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Title 3—

The President

Executive Order 13217 of June 18, 2001

Community-Based Alternatives for Individuals With Disabilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to place qualified individuals with disabilities in community settings whenever appropriate, it is hereby ordered as follows:

Section 1. *Policy.* This order is issued consistent with the following findings and principles:

(a) The United States is committed to community-based alternatives for individuals with disabilities and recognizes that such services advance the best interests of Americans.

(b) The United States seeks to ensure that America's community-based programs effectively foster independence and participation in the community for Americans with disabilities.

(c) Unjustified isolation or segregation of qualified individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans With Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 *et. seq.* States must avoid disability-based discrimination unless doing so would fundamentally alter the nature of the service, program, or activity provided by the State.

(d) In *Olmstead v. L.C.*, 527 U.S. 581 (1999) (the "*Olmstead* decision"), the Supreme Court construed Title II of the ADA to require States to place qualified individuals with mental disabilities in community settings, rather than in institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the State can reasonably accommodate the placement, taking into account the resources available to the State and the needs of others with disabilities.

(e) The Federal Government must assist States and localities to implement swiftly the *Olmstead* decision, so as to help ensure that all Americans have the opportunity to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

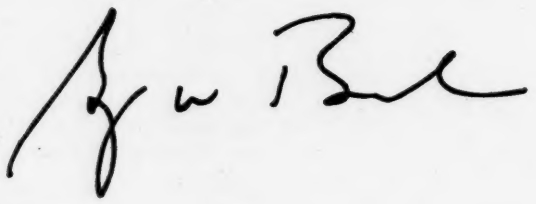
Sec. 2. *Swift Implementation of the Olmstead Decision: Agency Responsibilities.* (a) The Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development, and the Commissioner of the Social Security Administration shall work cooperatively to ensure that the *Olmstead* decision is implemented in a timely manner. Specifically, the designated agencies should work with States to help them assess their compliance with the *Olmstead* decision and the ADA in providing services to qualified individuals with disabilities in community-based settings, as long as such services are appropriate to the needs of those individuals. These agencies should provide technical guidance and work cooperatively with States to achieve the goals of Title II of the ADA, particularly where States have chosen to develop comprehensive, effectively working plans to provide services to qualified individuals with disabilities in the most integrated settings. These agencies should also ensure that existing Federal resources are used in the most effective manner to support the goals of the ADA. The Secretary of Health and Human Services shall take the lead in coordinating these efforts.

(b) The Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development, and the Commissioner of the Social Security Administration shall evaluate the policies, programs, statutes, and regulations of their respective agencies to determine whether any should be revised or modified to improve the availability of community-based services for qualified individuals with disabilities. The review shall focus on identifying affected populations, improving the flow of information about supports in the community, and removing barriers that impede opportunities for community placement. The review should ensure the involvement of consumers, advocacy organizations, providers, and relevant agency representatives. Each agency head should report to the President, through the Secretary of Health and Human Services, with the results of their evaluation within 120 days.

(c) The Attorney General and the Secretary of Health and Human Services shall fully enforce Title II of the ADA, including investigating and resolving complaints filed on behalf of individuals who allege that they have been the victims of unjustified institutionalization. Whenever possible, the Department of Justice and the Department of Health and Human Services should work cooperatively with States to resolve these complaints, and should use alternative dispute resolution to bring these complaints to a quick and constructive resolution.

(d) The agency actions directed by this order shall be done consistent with this Administration's budget.

Sec. 3. *Judicial Review.* Nothing in this order shall affect any otherwise available judicial review of agency action. This order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



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DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 502

[No. 2001–44]

RIN 1550–AB47

Assessments and Fees

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Thrift Supervision (OTS) is amending its assessments rule to more accurately reflect the increased costs of supervising 3-, 4-, and 5-rated institutions. As amended, OTS will compute the condition component of a savings association's assessment at 50 percent of the size component for 3-rated institutions, and 100 percent of the size component for 4- and 5-rated institutions.

EFFECTIVE DATE: July 23, 2001.

FOR FURTHER INFORMATION CONTACT: Karen Osterloh, Assistant Chief Counsel, (202) 906–6639, Regulations and Legislation Division, Chief Counsel's Office; or William Brady, Director, Planning & Budget, (202) 906–7408, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

OTS is charged with examining, regulating, and providing for the safe and sound operation of savings associations.[1] OTS funds its operations through assessments on savings associations and through other fees. The Home Owners' Loan Act (HOLA) specifically authorizes the Director to assess such fees to fund its direct and indirect expenses, as the Director deems necessary or appropriate.[2]

Under 12 CFR part 502, OTS determines each institution's assessment by adding together three components reflecting the size, condition and complexity of an institution. OTS computes the size component by multiplying an institution's total assets (as reported on the Thrift Financial Report (TFR)) by the applicable assessment rate. The condition component is a percentage of the size component and is imposed on institutions that have a 3-, 4-, or 5-composite rating under the Uniform Financial Institutions Rating System (UFIRS) (also referred to as the CAMELS rating system).[3] OTS imposes a complexity component if: (1) A thrift administers more than $1 billion in trust assets; (2) the outstanding balance of assets fully or partially covered by recourse obligations or direct credit substitutes exceeds $1 billion; or (3) the thrift services over $1 billion of loans for others. OTS calculates the complexity component by multiplying set rates times the amounts by which an association exceeds each particular threshold.

On April 30, 2001, OTS published a proposed rule revising the condition component. 66 FR 21288 (Apr. 30, 2001). Under the existing rules, the condition component equals 25 percent of the thrift's size component for 3-rated institutions, and 50 percent of the thrift's size component for 4- or 5-rated institutions.[4] Based on the higher amount of supervisory resources demanded by 3-, 4- and 5-rated institutions, OTS proposed to raise the condition component to 50 percent for 3-rated institutions and 100 percent for 4- and 5-rated institutions.

II. Analysis of the Comments

The comment period on the proposed rule closed on May 30, 2001. OTS received one comment from a trade association.

The commenter urged OTS to carefully consider whether the revised assessment structure will push the OTS regulated industry toward other federal or state charters. OTS does not believe that the final rule will have this effect. Over 90 percent of the thrift industry is 1- or 2-rated or has not received an initial rating. This final rule should benefit these institutions because their assessments will be reduced as OTS recaptures more of its supervisory costs from low rated thrifts.

Admittedly, the assessments for 3-, 4-, and 5-rated institutions will increase commensurate with their need for increased supervision. However, the assessment of a premium on such institutions is consistent with the assessments imposed by other banking regulators.[5] Moreover, our experience under the current rule indicates that the risk-adjusted premiums for 3-, 4- and 5-rated institutions have not resulted in significant defections to other charters.

The commenter also encouraged OTS to address its budget issues in a comprehensive fashion. While a wholesale review of these issues is beyond the scope of this rulemaking, OTS believes that this rule will enhance OTS budgetary efforts. In particular, this rule will permit OTS assessment revenues to automatically expand (or contract) in direct response to the supervisory demands imposed by an increased (or decreased) number of lower rated institutions.

OTS specifically sought comment whether it should consider the complexity of an institution's operations in its calculation of the condition component. The commenter urged OTS not to make such changes to the existing rule. The final rule does not make any changes in this area.

III. Effective Date

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRIA) states that OTS rules that impose new

[1] 12 U.S.C. 1463(a).

[2] 12 U.S.C. 1467(k). *See also* 12 U.S.C. 1462a, 1463, 1467(a), 1467a.

[3] The UFIRS rating system was developed jointly by all of the Federal banking regulators in an effort to establish a uniform system using standard criteria and definitions for rating in six different rating areas: capital, assets, management, earnings, liquidity, and sensitivity to market risk. *See* 61 FR 67021 (Dec. 19, 1996). UFIRS is an effective supervisory tool for evaluating the soundness of financial institutions on a uniform basis, and for identifying those institutions requiring special supervisory attention or concern.

[4] OTS has assessed a 50 percent premium on 4- and 5-rated institutions since 1990. 55 FR 34519 (Aug. 23, 1990). OTS began to impose a 25 percent premium on 3-rated institutions in 1998. 63 FR 65663 (Nov. 30, 1998).

[5] Recently, the Office of the Comptroller of the Currency issued a final rule imposing a similar premium on 3-, 4- and 5-rated national banks. *See* 66 FR 29890 (Jun. 1, 2001).

requirements must take effect on the first day of a calendar quarter that begins on or after the date of publication of the rule. 12 U.S.C. 4802. A related provision, section 553 of the Administrative Procedure Act (APA), states that a rule may not be made effective less than 30 days after publication. 5 U.S.C. 553(d). Under either statute, OTS may make a rule effective on a different date, if it finds good cause.

Working together, the APA and CDRIA provisions would delay the effective date of this final rule until October 1, 2001, and OTS would be unable to use the revised calculation method for the July 31, 2001 assessment. OTS believes that this would lead to an inequitable result since 1- and 2-rated institutions would be required to subsidize the extra supervisory costs of 3-, 4- and 5-rated institutions for yet another assessment period.

Moreover, OTS does not believe that an October 1, 2001 effective date would further the purposes of CDRIA. CDRIA ensures that depository institutions will be regularly informed of new rules with which they must comply. CDRIA also ensures that depository institutions must make operational changes only four times, rather than sporadically, during a calendar year.[6] Since savings associations are not required to take any action to comply with this new rule, OTS does not believe that it is necessary to apply the CDRIA effective date provisions. For these reasons, OTS finds that there is good cause to make this rule effective on a date other than the first date of a calendar quarter. Consistent with the APA, this rule will become effective thirty days after publication.

IV. Executive Order 12866

The Director of OTS has determined that this final rule does not constitute a "significant regulatory action" for the purposes of Executive Order 12866.

V. Regulatory Flexibility Act Analysis

Under section 605(b) of the Regulatory Flexibility Act of 1980,[7] OTS has evaluated the effects this final rule will have on small businesses, small organizations, and small governmental jurisdictions. As required, OTS has prepared the following final regulatory flexibility analysis.

A. Reasons for and objectives of the rule; Legal basis for the rule

OTS funds its operations through assessments on savings associations and through other fees. The Director of OTS is authorized by the HOLA to impose assessments.[8] OTS is specifically authorized to assess such fees to fund the direct and indirect expenses of OTS, as the Director deems necessary or appropriate. 12 U.S.C. 1467(k).

OTS has found that there is significant increase in supervisory demands on the agency when an institution's rating moves to a "3" rating, and an even greater increase when a thrift's rating moves to a "4" or a "5" rating. Accordingly, the current OTS assessments regulation imposes a premium on these institutions to reflect the increased supervision costs.

OTS experience since 1998, when it last revised its condition component, has shown that the current premium for 3-, 4-, and 5-rated institutions does not adequately compensate it for the additional demands on its resources. Therefore, OTS has amended its rules to more closely associate its costs with its assessments.

B. Effect of the final rule on small savings associations

The final rule may affect small savings associations. The final rule, however, does not affect small businesses, small organizations other than small savings associations, or small governmental jurisdictions. Small savings associations are generally defined, for Regulatory Flexibility Act purposes, as those with assets under $100 million.[9]

As discussed above, the final rule imposes a premium equal to 50 percent of an association's size component for each 3-rated association, and a 100 percent of an association's size component on each 4- or 5-rated institution. OTS will assess this premium regardless of the institution's size. Based on OTS most recent data, 37 savings associations were 3-rated and had assets under $100 million. Currently, the semi-annual assessment for a 3-rated institution with$100 million in assets is $19,380, exclusive of any complexity component. Under the final rule, this institution's semi-annual assessment will be $23,256—an increase of $3,876. Other 3-rated small savings associations will see their assessments increase by lesser amounts depending on their asset size.

Based on OTS most recent data, six institutions were 4- or 5-rated and had assets under $100 million. Currently, the semi-annual assessment for a 4- or 5-rated institution with $100 million in assets is $23,256, exclusive of any complexity component. Under the final rule, this institution's semi-annual assessment will be $31,008—an increase of $7,752. Other 4- and 5-rated institutions will see their assessments increase by lesser amounts depending on their asset size.

C. Significant Issues Raised in Response to Initial Regulatory Flexibility Analysis and Changes Made to Minimize Burden

OTS did not receive any significant comments in response to the Initial Regulatory Flexibility Analysis and has made no changes in the final rule.

D. Significant Alternatives to the Final Rule

As discussed earlier, 3-, 4- and 5-rated savings associations require more supervisory attention than 1- or 2-rated associations. Therefore, OTS has three alternatives: impose extra assessments on all 3-, 4- and 5-rated associations; impose extra assessments on some sub-category of 3-, 4- and 5-rated institutions; or require 1- and 2-rated institutions to subsidize these extra supervisory costs of 3-, 4- and 5-rated institutions.

OTS believes it is most equitable to match assessments with OTS's supervisory costs as far as possible. Therefore, it has increased the amount of the condition component for 3-, 4-, and 5-rated associations. OTS believes that requiring these institutions to pay for their extra supervisory costs provides an incentive for those institutions to improve their condition and their ratings. OTS also believes that the condition component best accomplishes OTS's objective of closely tailoring assessment rates to OTS's increased costs in supervising 3-, 4- and 5-rated institutions.

E. Other matters

The final rule imposes no reporting, recordkeeping, or other compliance requirements. Assessments will continue to be based on Thrift Financial Reports that savings associations otherwise must file with OTS. OTS will continue to use its current collection procedures. Therefore, the final rule imposes no new or additional reporting, recordkeeping, or compliance requirements.

There are no federal rules that duplicate, overlap, or conflict with this final rule.

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[6] *See* H. Rep. No. 103–252, p. 168 (1994).

[7] 5 U.S.C. 605(b).

[8] 12 U.S.C. 1462a, 1463, 1467, 1467a.

[9] 13 CFR 121.201 Division H (1998).

VI. Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L.104–4 (Unfunded Mandates Act), requires an agency to prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. OTS has determined that the final rule will not result in expenditures by state, local, or tribal governments or by the private sector of $100 million or more. Accordingly, this rulemaking is not subject to section 202 of the Unfunded Mandates Act.

List of Subjects in 12 CFR Part 502

Assessments, Federal home loan banks, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the Office of Thrift Supervision amends part 502, chapter V, title 12, Code of Federal Regulations as set forth below.

PART 502—ASSESSMENTS AND FEES

1. The authority citation for part 502 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1467, 1467a.

2. Section 502.20 is revised to read as follows:

§ 502.20 How does OTS determine my condition component?

OTS uses the following chart to determine your condition component.

If your component rating is:	Then your condition component is:
1 or 2	Zero.
3	50 percent of your size component.
4 or 5	100 percent of your size component.

Dated: June 13, 2001.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 01–15654 Filed 6–20–01; 8:45 am]

BILLING CODE 6720–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR PART 707

Truth in Savings

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interim final rule with request for comments.

SUMMARY: NCUA is amending its regulation that implements the Truth in Savings Act (TISA). This interim final rule establishes uniform standards for the electronic delivery of disclosures required by TISA. NCUA is also amending its regulation to address electronic advertisements. These amendments conform to the Electronic Signatures in Global and National Commerce Act (E-Sign Act).

DATES: This rule is effective June 21, 2001. To allow time for any necessary operational changes, however, the mandatory compliance date is October 1, 2001. Comments must be received on or before August 20, 2001.

ADDRESSES: Comments should be directed to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. You may also fax comments to (703) 518–6319 or e-mail comments to regcomments@ncua.gov. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Frank S. Kressman, Staff Attorney, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION

A. Background

Part 707 of NCUA's regulations implements TISA. 12 CFR part 707. The purpose of part 707 and TISA is to assist members in making meaningful comparisons among accounts offered by credit unions and other financial institutions. Part 707 and TISA require, among other things, disclosure of yields, fees and other terms concerning share accounts to members at account opening, upon request, when changes in terms occur and in periodic statements. Many of these disclosures must be written.

In April 2001, The Board of Governors of the Federal Reserve System (Federal Reserve) issued an interim rule amending its Regulation DD, which implements TISA (April 2001 Interim Rule). That rule established uniform standards for the timing and electronic delivery of disclosures required by TISA and Regulation DD, and addressed electronic advertisements. 66 FR 17795 (April 4, 2001). The Federal Reserve has stated that electronic disclosures can effectively reduce compliance costs for financial institutions and allow them to provide Regulation DD disclosures to the consumer more efficiently without adversely affecting consumer protections. Under that rule, disclosures may be sent by e-mail to an electronic address designated by the consumer, or made available at another location, such as an Internet web site. If disclosures are not sent by e-mail, consumers must receive a notice informing them that they are available elsewhere. If posted to a web site, disclosures must be available for at least 90 days to allow consumers adequate time to access them. For disclosures that must be provided before account opening, consumers are required to access them before the account is opened. Under this rule, financial institutions must make a good faith attempt to redeliver electronic disclosures that are returned as undelivered, using the address information available in their files.

These amendments conform to the E-Sign Act. 15 U.S.C. 7001. The E-Sign Act was enacted in June 2000, to encourage the continued expansion of electronic commerce. It generally provides that electronic documents and signatures have the same validity as paper documents and handwritten signatures. It provides that consumer disclosures may be provided in electronic form only if the consumer affirmatively consents after receiving information specified in the statute. The consumer consent provisions in the E-Sign Act became effective October 1, 2000. Section 101(c)(5) of the E-Sign Act provides that consumers who gave consent prior to the effective date are not subject to those consent requirements.

In September 1999, before enactment of the E-Sign Act, the Federal Reserve issued an interim rule that also amended Regulation DD (September 1999 Interim Rule). 64 FR 49846 (September 14, 1999). With the issuance of the April 2001 Interim Rule, the Federal Reserve has withdrawn the September 1999 Interim Rule.

TISA requires NCUA to promulgate regulations substantially similar to those promulgated by the Federal Reserve within 90 days of the effective date of the Federal Reserve's rules. 12 U.S.C. 4311(b). In doing so, NCUA is to take into account the unique nature of credit unions and the limitations under which they may pay dividends on member accounts. In compliance with TISA, as discussed more fully below, NCUA is issuing this interim final rule with

request for comments that is substantially similar to the Federal Reserve's April 2001 Interim Rule.

B. Interim Final Rule

The NCUA Board is issuing this rule as an interim final rule because there is a strong public interest in having in place consumer oriented rules that are consistent with those recently promulgated by the Federal Reserve. Additionally, as discussed above, NCUA is statutorily required to issue rules substantively similar to those of the Federal Reserve within 90 days of the effective date of the Federal Reserve's rules. Accordingly, for good cause, the Board finds that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedures are impracticable, unnecessary, and contrary to the public interest; and, pursuant to 5 U.S.C. 553(d)(3), the rule will be effective immediately and without 30 days advance notice of publication. Although the rule is being issued as an interim final rule and is effective immediately, the NCUA Board encourages interested parties to submit comments.

C. Section by Section Analysis

Section 707.3 General Disclosure Requirements

Section 707.3(a) is revised to reflect that the disclosures required by the newly created § 707.10 pertaining to electronic communications are subject to the same requirements as other disclosures required under part 707. Section 707.3(g) is added to provide a cross reference to other rules governing the electronic delivery of disclosures referenced in the newly created § 707.10.

Section 707.4(a)(1) Account Disclosures—Account-Opening

Credit unions must provide account-opening disclosures to members or potential members before an account is opened or a service is provided. Credit unions may delay delivering these disclosures if the member is not present when the account is opened or service is provided. This section provides that in such cases, account-opening disclosures must be mailed or delivered no later than 20 calendar days after the account is opened or the service is provided, whichever is earlier. The corresponding section in Regulation DD permits a 10-business day delay. NCUA amends this provision to conform to the Federal Reserve's time frame.

Furthermore, this section is amended to provide that credit unions may not delay delivering account-opening disclosures when an account is opened by an "electronic communication" as defined in § 707.10. The Federal Reserve has determined that the difficulties in providing disclosures for accounts opened by mail or telephone are not present for accounts opened by electronic communication using visual text. As a result, required disclosures must be provided before an account is opened by an electronic communication. Neither TISA nor part 707 specifies when an account is considered opened. Credit unions may establish policies and procedures to address after-hours requests to open accounts to ensure that accurate disclosures are provided before the account is deemed opened by the credit union.

Section 707.4(a)(2) Account Disclosures—Requests

Section 707.4(a)(2)(i) is revised to require credit unions to mail or deliver disclosures in paper form or electronically to members or potential members who request them, but who are not present at the credit union when the request is made. The credit union has a reasonable time in which to do this. To provide disclosures electronically, the credit union must send the disclosures to the member's e-mail address, or send a notice alerting the member to the location of the disclosures, such as the credit union's web site.

Appendix C—Section 707.4(a)(2)(i)–3—Timing for Response

Section 707.4(a)(2)(i) does not define what a "reasonable time" is for responding to requests for account information from members who are not present at the credit union at the time of the request. Section 707.4(a)(2)(i)–3 in Appendix C to part 707 is revised to provide that ten business days is a reasonable time for responding to these requests.

Appendix C—Section 707.4(a)(2)(i)–4—Request by Electronic Communication

Section 707.4(a)(2)(i) permits credit unions to deliver requested disclosures electronically if the member provides an e-mail address where the disclosures may be sent. Section 707.4(a)(2)(i)–4 in Appendix C to part 707 is added to clarify that posting disclosures on a credit union's web site generally does not relieve the credit union's duty to provide disclosures upon request. If the member has provided an e-mail address, the credit union must either send the disclosures by e-mail or send a notice to the member pursuant to § 707.10(d)(2)(i) to inform the member where the disclosures are posted.

Section 707.6 Periodic Statement Disclosures

The E-Sign Act permits credit unions to provide disclosures to members using electronic communication, if the credit union complies with Section 101(c) of that statute. Section 101(c) of the E-Sign Act requires credit unions to provide specific information about the electronic delivery of disclosures and obtain the member's affirmative consent to receive electronic disclosures. As discussed more fully below, § 707.10(b) is adopted to set forth the general rule that credit unions may provide disclosures electronically only if the credit union complies with Section 101(c) of the E-Sign Act. This requirement applies to periodic statement disclosures.

After the Federal Reserve issued the September 1999 Interim Rule, NCUA amended § 707.6 by adding paragraph (c) to permit credit unions to deliver periodic statements electronically. 64 FR 66355 (November 26, 1999); 65 FR 21131 (April 20, 2000). With the adoption of § 707.10(b), however, § 707.6(c) is no longer current and is withdrawn.

Appendix C—Section 707.8(a)—Misleading or Inaccurate Advertisements

Stating certain account terms in an advertisement for a deposit account triggers the disclosure of additional terms. If an advertisement using electronic communication displays a triggering term, such as "bonus" or "annual percentage yield", the advertisement must clearly refer the member to the location where the additional required information begins. For example, an advertisement that includes a bonus or annual percentage yield may be accompanied by a link in close proximity that directly takes the member to the additional information. Paragraph (9) is added to § 707.8(a) in Appendix C to part 707 to reflect this interpretation.

Appendix C—Section 707.8(b)—Permissible Rates

Section 707.8(b) generally permits credit unions to state a dividend rate in addition to the annual percentage yield (APY), provided the dividend rate is stated in conjunction with, but not more conspicuously than, the APY. For advertisements using electronic communications, the member must be able to view both rates simultaneously. This requirement is not satisfied if the member can only view the APY by use of a link that connects the member to information appearing at another location. Paragraph (4) is added to

§ 707.8(b) in Appendix C to part 707 to reflect this interpretation.

Appendix C—Section 707.8(e)(1)(i)—Exemption for Certain Advertisements

Section 707.8(e) exempts from some requirements advertisements made through broadcast or electronic media, such as television and radio or outdoor billboards. This exemption does not apply to electronic advertisements using electronic communication, such as Internet advertisements, because they do not have the same time and space constraints as other exempted advertisements. New paragraph (1) is added to § 707.8(e)(1)(i) in Appendix C to part 707 to reflect this interpretation.

Section 707.10(a) Electronic Communication

Electronic communication is defined as a message transmitted electronically between a credit union and a member in a format that allows visual text to be displayed on equipment, for example, a personal computer monitor. Equipment is not limited to personal computers, provided the visual display used to deliver the disclosures meets the "clear and conspicuous" format requirement discussed below. Credit unions that accommodate vision-impaired members by providing disclosures that do not use visual text must also provide disclosures using visual text.

Section 707.10(b) General Rule

The E-Sign Act permits credit unions to provide disclosures using electronic communication, if the credit union complies with the consumer consent requirements in Section 101(c) of the E-Sign Act. Section 101(c) requires credit unions to provide specific information about the electronic delivery of disclosures before obtaining the member's affirmative consent to receive electronic disclosures.

The E-Sign Act does not affect any requirement imposed under TISA other than a provision that requires disclosures to be in paper form, nor does it affect the content or timing of disclosures. Electronic disclosures are subject to the format, timing and retainability rules and the clear and conspicuous standard of part 707. This guidance is reflected generally in § 707.10(b) in Appendix C to part 707.

Credit unions must provide electronic disclosures using a clear and conspicuous format. Also, in accordance with the E-Sign Act: (1) The credit union must disclose the requirements for accessing and retaining disclosures in that format; (2) the member must demonstrate the ability to access the information electronically and affirmatively consent to electronic delivery; and (3) the credit union must provide the disclosures in accordance with the specified requirements. Except to the extent required by part 707, disclosures do not have to be provided separately from other information. Electronically delivered disclosures must comply with existing timing requirements under TISA and part 707. Consistent with rules for paper disclosures, disclosures provided periodically by e-mail are timely if sent by the required time. Disclosures posted at an Internet web site are timely if, by the required time, the credit union makes the disclosures available at that location and sends a notice alerting the member that the disclosures have been posted. This guidance is reflected in § 707.10(b)(3)(ii) in Appendix C to part 707.

When a credit union permits a member to open an account on-line, the member must be required to access disclosures required by § 707.4 before the account is opened. A link to the disclosures satisfies this timing rule if the member cannot bypass the disclosure before opening the account, or the disclosures must automatically appear on the screen, even if multiple screens are required to view the entire disclosure. It is not sufficient for credit unions to provide a bypassable navigational tool that gives members the option of receiving disclosures. This approach reduces the likelihood that members will actually receive the disclosures. This guidance is reflected in § 707.10(b)(3)(i) in Appendix C to part 707.

Disclosures required by TISA and part 707 to be in writing must also be in a form the member can retain. Electronic disclosures are subject to this same requirement. This guidance is reflected in § 707.10(b)(4) in Appendix C to part 707.

A credit union that controls the equipment providing electronic disclosures to a member, such as a computer terminal in the credit union's lobby or a public kiosk, must ensure that the equipment satisfies part 707's requirements to provide timely disclosures in a clear and conspicuous format and in a form that the member may keep. For example, if disclosures are required at the time of an on-line transaction, the disclosures must be sent to the member's e-mail address or must be posted at another location such as the credit union's web site, unless the credit union provides a printer that automatically prints the disclosures. This guidance is reflected in § 707.10(b)(5) in Appendix C to part 707.

Section 707.10(c) When Consent Is Required

Under the E-Sign Act, a member must give his affirmative consent to receive from the credit union electronic disclosures "relating to a transaction" that are required to be in writing by law or regulation. Section 707.10(c) provides that disclosures related to advertisements (§ 707.8) and those that are provided upon request (§ 707.4(a)(2)) are deemed not to be "related to a transaction" for purposes of this consent requirement.

Section 707.10(d)(1) Address or Location To Receive Electronic Communication.

Credit unions may deliver electronic disclosures to a member's e-mail address or make them available at another location such as a web site. If the credit union makes a disclosure available at such a location, it effectively delivers the disclosure by sending a notice alerting the member when the disclosure can be accessed and making it available for at least 90 days.

For purposes of § 707.10(d), a member's electronic address is an e-mail address that is not limited to receiving communications transmitted solely by the credit union. This guidance is reflected in § 707.10(d) in Appendix C to part 707. An electronic address would not include systems that permit communication only between the member and the credit union, such as a home-banking program that allows a member to communicate directly with the credit union on-line with the use of a computer and modem. These systems, like a credit union's web site accessed via the Internet, give members access to account information at a location controlled by the credit union. In both instances, the credit union determines how long disclosures will be available to the member. Members who receive disclosures at their e-mail addresses, however, may choose when to review, and for how long to retain, account information. Members who receive disclosures by contacting a credit union's web site, however, also need to be alerted when the information is first available to ensure that they have the opportunity to access the information before it is removed. Accordingly, disclosures provided using systems such as home-banking programs are treated in the same manner as disclosures made available at a web site. They require a notice to alert the member when disclosures are posted and the notice must be sent by e-mail or

to a postal address, at the credit union's option.

Section 707.10(d)(2)(i) Identifying the Account

Section 707.10(d)(2)(i) requires that the alert notice discussed above identify the account involved and the address or other location where the disclosure is available. Section 707.10(d)(2)-1 in Appendix C to part 707 provides guidance on the level of detail required in identifying the account.

Section 707.10(d)(2)(ii) 90-Day Rule

Section 707.10(d)(2)(ii) requires that disclosures provided at a web site must remain available for at least 90 days. This helps ensure that members have adequate time to access and retain a disclosure under a variety of circumstances, such as when a member may not be able for an extended period of time to access the information due to computer malfunctions, travel, or illness. The 90-day period is uniform for all disclosures, for ease of compliance. Section 707.10(d)(2)-2 in Appendix C to part 707 provides that while disclosures must be available for the entire 90-day period, the credit union has the discretion to determine whether they should be available at the same location for the entire period.

Section 707.10(d)(3) Exceptions

Section 707.10(d)(3) clarifies that the requirements of § 707.10(d)(2)(i) and (ii) do not apply to disclosures in certain advertisements (§ 707.8), and the requirements of § 707.10(d)(2)(ii) do not apply to disclosures made available upon a member's request(§ 707.4(a)).

Section 707.10(e) Redelivery

Part 707 does not require a credit union to verify that electronic disclosures it has sent were actually received by its members. The cost and burden of doing so would not be warranted. When electronic disclosures are returned undelivered, however, § 707.10(e) imposes a duty on the credit union to attempt redelivery (either electronically or to a postal address) based on information in the credit union's own files. Where a credit union actually knows that the delivery of an electronic disclosure did not take place, the credit union should take reasonable steps to effectuate delivery in some way. For example, if an e-mail message to a member containing an alert notice or other disclosure is returned as undeliverable, the credit union satisfies the redelivery requirement if it sends the disclosure to a different e-mail address or postal address that it has on file. Sending the disclosure a second time to the same electronic address would not be sufficient if the credit union has a different address for the member on file. Section 707.10(e)-1 in Appendix C to part 707 provides this guidance.

This redelivery requirement is limited to instances where the electronic communication has not been delivered. It does not apply to instances where the disclosure is delivered but cannot be read by the member due to technical problems with the member's software. A credit union will have complied with timing requirements for sending a disclosure when the disclosure is initially sent in a timely manner, even though it is returned undelivered and the credit union is required to take reasonable steps to attempt redelivery.

Section 707.10(f) Entities Other Than a Credit Union

Section 707.10(f) provides that a person other than a credit union that is required to comply with part 707 may use electronic communication in accordance with the requirements of § 707.10, as applicable.

D. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact agency rulemaking may have on a substantial number of small credit unions. For purposes of this analysis, credit unions under $1 million in assets are considered small credit unions.

This interim final rule provides credit unions with the flexibility of using an optional and alternative method of delivering certain required disclosures. Credit unions are free to choose not to utilize this alternative. Credit unions that choose to use this alternative will likely realize a reduction in their costs of delivery as a result. The NCUA has determined and certifies that this interim final rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that these amendments to part 707 do not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This interim final rule applies to all federally-insured credit unions, but does not have substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this interim final rule does not constitute a policy that has federalism implications for purposes of the executive order.

Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this rule is not a major rule for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects 12 CFR Part 707

Advertising, Consumer protection, Credit unions, Reporting and recordkeeping requirements, Truth in savings.

By the National Credit Union Administration Board on June 14, 2001.

Becky Baker,

Secretary of the Board.

For the reasons stated above, NCUA amends 12 CFR part 707 as follows:

PART 707—TRUTH IN SAVINGS

1. The authority citation for part 707 continues to read as follows:

Authority: 12 U.S.C. 4301 *et seq.*

2. Section 707.3 is amended by revising paragraph (a) and adding a new paragraph (g) to read as follows:

§ 707.3 General disclosure requirements.

(a) Form. Credit unions must make the disclosures required by §§ 707.4

through 707.6 and § 707.10 of this part, as applicable, clearly and conspicuously, in writing, and in a form the member or potential member may keep. Disclosures for each account offered by a credit union may be presented separately or combined with disclosures for the credit union's other accounts, as long as it is clear which disclosures are applicable to the member's account.

* * * * *

(g) Electronic communication. For rules governing the electronic delivery of disclosures, including the definition of electronic communication, see § 707.10.

3. Section 707.4 is amended by revising paragraph (a)(1) and paragraph (a)(2)(i) to read as follows:

§ 707.4 Account disclosures.

(a) Delivery of account disclosures.—(1) *Account opening.*—(i) *General.* A credit union must provide account disclosures to a member or potential member before an account is opened or a service is provided, whichever is earlier. A credit union is deemed to have provided a service when a fee required to be disclosed is assessed. Except as provided in paragraph (a)(1)(ii) of this section, if the member is not present at the credit union when the account is opened or the service is provided and has not already received the disclosures, the credit union must mail or deliver the disclosures no later than 10 business days after the account is opened or the service is provided, whichever is earlier.

(ii) *Electronic communication.* If a member or potential member who is not present at the credit union uses electronic communication (as defined in § 707.10) to open an account or request a service, the disclosures required under paragraph (a)(1) of this section must be provided before an account is opened or a service is provided.

(2) *Requests.* (i) A credit union must provide account disclosures to a member or potential member upon request. If a member who is not present at the credit union makes a request, the credit union must mail or deliver the disclosures within a reasonable time after it receives the request and may provide the disclosures in paper form, or electronically if the member provides an electronic mail address.

* * * * *

4. Section 707.6 is amended by removing paragraph (c).

5. Add a new § 707.10 to read as follows:

§ 707.10 Electronic communication.

(a) Definition. Electronic communication means a message transmitted electronically between a credit union and a member in a format that allows visual text to be displayed on equipment, for example, a personal computer monitor.

(b) General rule. In accordance with the Electronic Signatures in Global and National Commerce Act (the E-Sign Act) (15 U.S.C. 7001 *et seq.*) and the rules of this part, a credit union may provide by electronic communication any disclosure required by this part to be in writing.

(c) When consent is required. Under the E-Sign Act, a credit union must obtain a member's affirmative consent when providing disclosures related to a transaction. For purposes of this requirement, the disclosures required under §§ 707.4(a)(2) and 707.8 are deemed not to be related to a transaction.

(d) Address or location to receive electronic communication. A credit union that uses electronic communication to provide disclosures required by this part must:

(1) Send the disclosure to the member's electronic address; or

(2) Make the disclosure available at another location such as an Internet web site; and

(i) Alert the member of the disclosure's availability by sending a notice to the member's electronic address (or to a postal address, at the credit union's option). The notice must identify the account involved (if applicable) and the address of the Internet web site or other location where the disclosure is available; and

(ii) Make the disclosure available for at least 90 days from the date the disclosure first becomes available or from the date of the notice alerting the member of the disclosure, whichever comes later.

(3) Exceptions. A credit union need not comply with paragraph (d)(2)(ii) of this section for disclosures required under § 707.4(a)(2), and need not comply with paragraphs (d)(2)(i) and (ii) of this section for disclosures required under § 707.8.

(e) Redelivery. When a disclosure provided by electronic communication is returned to a credit union undelivered, the credit union must take reasonable steps to attempt redelivery using information in its files.

(f) Entities other than a credit union. A person other than a credit union that is required to comply with this part may use electronic communication in accordance with the requirements of this section, as applicable.

6. In Appendix C to part 707, the following amendments are made:

a. Under Section 707.2 Definitions, under (t) Periodic statement, paragraph 2.ii. is removed and paragraph 2.iii. is redesignated as paragraph 2.ii.

b. Under Section 707.4 Account disclosures, under (a)(2) Requests, under (a)(2)(i), paragraph 3. is revised and a new paragraph 4. is added.

c. Under Section 707.8 Advertising, under (a) Misleading or inaccurate advertisements, a new paragraph 9. is added.

d. Under Section 707.8 Advertising, under (b) Permissible rates, a new paragraph 4. is added.

e. Under Section 707.8 Advertising, under (e)(1) Certain media, under (e)(1)(i), a new paragraph 2 is added.

f. A new Section 707.10, Requirements for electronic communication, is added after Section 707.9.

The amendments read as follows:

Appendix C to Part 707—Official Staff Interpretations

* * * * *

Section 707.4—Account Disclosures

(a) Delivery of Account Disclosures

* * * * *

(a)(2) Requests

(a)(2)(i)

* * * * *

3. *Timing for response.* Ten business days is a reasonable time for responding to requests for account information that members do not make in person, including requests made by electronic communication.

4. *Requests by electronic communication.* Posting disclosures on a credit union's web site generally does not relieve the credit union's duty to provide disclosures upon request. If the member provides an e-mail address, the credit union may provide the disclosures electronically, but the credit union must either send the disclosures by e-mail or send a notice to the member's e-mail address pursuant to § 707.10(d)(2)(i) to inform the member where the disclosures are posted.

* * * * *

Section 707.8—Advertising

(a) Misleading or Inaccurate Advertisements

* * * * *

9. *Electronic advertising.* If an advertisement using electronic communication displays a triggering term (such as a bonus or annual percentage yield) the advertisement must clearly refer the member to the location where the additional required information begins. For example, an advertisement that includes a bonus or annual percentage yield may be accompanied by a link that directly takes the member to the additional information.

(b) Permissible Rates

* * * * *

4. *Electronic communication.* A dividend rate may be stated only if it is provided in conjunction with, but not more conspicuously than, the annual percentage yield to which it relates. In an advertisement using electronic communication, the member must be able to view both rates simultaneously. This requirement is not satisfied if the member can view the annual percentage yield only by use of a link that connects the member to information appearing at another location.

* * * * *

(e)(1) Certain Media

(e)(1)(i)

2. *Internet advertisements.* The exemption for advertisements made through broadcast or electronic media does not extend to advertisements made by electronic communication, such as advertisements posted on the Internet or sent by e-mail.

* * * * *

Section 707.10—Electronic Communication

(b) General Rule

1. *Relationship to the E-Sign Act.* The E-Sign Act authorizes the use of electronic disclosures. It does not affect any requirement imposed under this part other than a provision that requires disclosures to be in paper form, and it does not affect the content or timing of disclosures. Electronic disclosures are subject to the regulation's format, timing, and retainability rules and the clear and conspicuous standard. For example, to satisfy the clear and conspicuous standard for disclosures, electronic disclosures must use visual text.

2. *Clear and conspicuous standard.* A credit union must provide electronic disclosures using a clear and conspicuous format. Also, in accordance with the E-SignAct:

i. The credit union must disclose the requirements for accessing and retaining disclosures in that format;

ii. The member must demonstrate the ability to access the information electronically and affirmatively consent to electronic delivery; and

iii. The credit union must provide the disclosures in accordance with the specified requirements.

3. *Timing and effective delivery.*

i. *When a member opens an account online.* When a member opens an account online, the member must be required to access the disclosures required under § 707.4 before the account is opened or a service is provided, whichever is earlier. A link to the disclosures satisfies the timing rule if the member cannot bypass the disclosures before opening the account. Or the disclosures in this example must automatically appear on the screen, even if multiple screens are required to view the entire disclosure. The credit union is not required to confirm that the member has read the disclosure.

ii. *For disclosures provided periodically.* Disclosures provided by mail are timely based on when the disclosures are sent. Disclosures posted at an Internet web site, such as periodic statements or change-in-terms and other notices, are timely when the credit union has both made the disclosures available and sent a notice alerting the member that the disclosures have been posted. For example, under § 707.5, credit unions must give advance notice to affected members at least 30 calendar days in advance of certain changes. For a change in terms notice posted on the Internet, a credit union must both post the notice and notify members of its availability at least 30 days in advance of the change.

4. *Retainability of disclosures.* Credit unions satisfy the requirement that disclosures be in a form that the member may keep if electronic disclosures are delivered in a format that is capable of being retained (such as by printing or storing electronically). The format must also be consistent with the information required to be provided under Section 101(c)(1)(C)(i) of the E-Sign Act, 15 U.S.C. 7001(c)(1)(C)(i)), about the hardware and software requirements for accessing and retaining electronic disclosures.

5. *Disclosures provided on credit union's equipment.* A credit union that controls the equipment providing electronic disclosures to members (for example, a computer terminal located in a credit union's lobby or at a public kiosk) must ensure that the equipment satisfies the regulation's requirements to provide timely disclosures in a clear and conspicuous format and in a form that the member may keep. For example, if disclosures are required at the time of an on-line transaction, the disclosures must be sent to the member's e-mail address or must be posted at another location such as the credit union's Internet web site, unless the credit union provides a printer that automatically prints the disclosures.

(d) Address Or Location To Receive Electronic Communication

(d)(1)

1. *Electronic address.* A member's electronic address is an e-mail address that is not limited to receiving communications transmitted solely by the credit union.

(d)(2)

1. *Identifying account involved.* A credit union may identify a specific account in a variety of ways and is not required to identify an account by reference to the account number. For example, where the member has only one share account, and no confusion would result, the credit union may refer to "your share account." If the member has two accounts, the credit union may, for example, differentiate accounts by using terms such as "primary account" and "secondary account" or by using a truncated account number.

2. *90-day rule.* The actual disclosures provided to a member must be available for at least 90 days, but the credit union has discretion to determine whether they should be available at the same location for the entire period.

(e) Redelivery

1. *E-mail returned as undeliverable.* If an e-mail to the member (containing an alert notice or other disclosure) is returned as undeliverable, the redelivery requirement is satisfied if, for example, the credit union sends the disclosure to a different e-mail address or postal address that the credit union has on file for the member. Sending the disclosures a second time to the same electronic address is not sufficient if the credit union has a different address for the member on file.

[FR Doc. 01–15471 Filed 6–20–01; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–15–AD; Amendment 39–12275; AD 2001–12–19]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Artouste II and Artouste III Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), that is applicable to Turbomeca S.A. Artouste II and Artouste III series turboshaft engines. This amendment requires installation of modification TU 24, TU 167, or TU 164, depending on the specific engine series. These modifications will prevent uncommanded partial closing or total closing of the electrical fuel cock, which will prevent uncommanded in-flight engine shutdown. From the effective date of this AD, and until the modification is installed, this amendment will also limit the duration of the engine operating cycle. This amendment is prompted by reports of unexpected power loss during test flights. The actions specified by this AD are intended to prevent unexpected power loss, which could result in an uncommanded in-flight engine shutdown, autorotation, and forced landing.

DATES: Effective date July 26, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 26, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Turbomeca S.A, Turbomeca S.A.64511 Bordes Cedex, France; telephone 33 05 59 64 40 00, fax 33 05 59 64 60 80. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA., or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7132; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Turbomeca Artouste II and Artouste III series turboshaft engines was published in the **Federal Register** on May 31, 2000 (65 FR 34602). That action proposed to require installation of modification TU 24, TU 167, or TU 164, depending on the specific engine series, in accordance with Turbomeca Artouste II Service Bulletin (SB) No. 223 72 0070, dated January 21, 1999; Turbomeca Artouste III SB No. 218 80 0098, dated January 14, 1999; or Turbomeca Artouste III SB No. 218 80 0093, Revision 2, dated January 14, 1999.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 3,102 Turbomeca S.A. Artouste II and Artouste III series turboshaft engines of the affected design in the worldwide fleet. The FAA estimates that 213 engines installed on helicopters of US registry would be affected by this proposed AD, that it would take approximately two work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $630 per engine. Based on these figures, the total cost impact of the proposed AD on US operators is estimated to be $159,750. The manufacturer has advised the Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, that it may provide modification TU 24, TU 164, or TU 167 at no cost to the operator, thereby substantially reducing the cost impact of this proposed rule.

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2001–12–19 Turbomeca S.A.: Amendment 39–12275. Docket No. 2000–NE–15–AD.

Applicability

This airworthiness directive (AD) is applicable to Turbomeca S.A. Artouste II and Artouste III series turboshaft engines. These engines are installed on, but not limited to, Alouette II SE 3130, Alouette II SE 313 B, Eurocopter SA 315 LAMA, and SA 316 Alouette III series helicopters.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (h) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance

Required as indicated, unless accomplished previously.

To prevent unexpected power loss, which could result in an uncommanded in-flight engine shutdown, autorotation, and forced landing, accomplish the following:

For Artouste II Engines

(a) As of the effective date of this AD, the duration of the operating cycle (start-up to shutdown) is limited to two hours total until modification TU 24 is installed in accordance with Turbomeca Artouste II Service Bulletin (SB) 218 80 0070, Section 2, dated January 21, 1999.

(b) At the next shop visit, within 30 days, or within 120 cycles after the effective date of this AD, whichever occurs first, install modification TU 24 in accordance with Turbomeca Artouste II SB 218 80 0070, Section 2, dated January 21, 1999.

For Artouste III B and Artouste III B1 Engines

(c) As of the effective date of this AD, the duration of the operating cycle (start-up to shutdown) is limited to two hours total until modification TU 167 is installed in accordance with Turbomeca Artouste III SB 218 80 0093, Revision 2, Section 2, dated January 14, 1999.

(d) At the next shop visit, within 30 days, or within 120 cycles after the effective date of this AD, whichever occurs first, install modification TU 167 in accordance with Turbomeca Artouste III Service Bulletin 218 80 0093, Revision 2, Section 2, dated January 14, 1999.

For Artouste III D Engines

(e) As of the effective date of this AD, the duration of the operating cycle (start-up to shutdown) is limited to two hours total until modification TU 164 is installed in accordance with Turbomeca Artouste III Service Bulletin 218 80 0098, Section 2, dated January 14, 1999.

(f) At the next shop visit, within 30 days, or within 120 cycles after the effective date of this AD, whichever occurs first, install modification TU 164 in accordance with Turbomeca Artouste III Service Bulletin 218 80 0098, Section 2, dated January 14, 1999.

Definition

(g) For the purpose of this AD, a shop visit is defined as any time when the engine is removed from the helicopter for maintenance.

Alternative Methods of Compliance

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

Special Flight Permits

(i) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Documents That Have Been Incorporated by Reference

(j) The inspection shall be done in accordance with the following Turbomeca service bulletins (SBs):

Document No.	Pages	Revision	Date
SB Artouste II SB 223 72 0070; Total pages: 16	All	Original	Jan. 21, 1999.
SB Artouste III SB 218 80 0093; Total pages: 18	All	2	Jan. 14, 1999.
SB Artouste III SB 218 80 0098; Total pages: 10	All	Original	Jan. 14, 1999.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Turbomeca S.A., 40220 Tarnos, France; telephone 33 05 59 64 40 00, fax 33 05 59 64 60 80. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Direction Generale de L'Aviation Civile (DGAC) Airworthiness Directive (AD) 1999–005(A), dated January 13, 1999, and AD 1999–090(A), dated February 24, 1999.

Effective Date

(k) This amendment becomes effective on July 26, 2001.

Issued in Burlington, Massachusetts, on June 11, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–15392 Filed 6–20–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–30–AD; Amendment 39–12276; AD 2001–12–20]

RIN 2120–AA64

Airworthiness Directives; General Electric Company (GE) CF6–50 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6–50 turbofan engines. This amendment requires removal of old high pressure compressor (HPC) air ducts and mating hardware and replacement with newly designed air ducts and reworked mating hardware. This amendment also requires the repetitive inspection of certain reworked mating hardware. This amendment is prompted by reports of an uncontained low pressure turbine (LPT) disk failure that resulted from an air duct failure that caused a fan mid shaft (FMS) separation. The actions specified by this AD are intended to prevent HPC air duct failures that could result in FMS failures, that in turn could result in rejected takeoffs or uncontained LPT events, and to prevent HPC rear shaft failures that could result in uncontained engine failures.

DATES: Effective date July 26, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 26, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone: (513) 672–8400; fax: (513) 672–8422. You may examine the AD docket (including any comments and service information) at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. You may also examine the service information at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington MA 01803–5299; telephone: (781) 238–7192; fax: (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to GE CF6–50 turbofan engines was published in the **Federal Register** on November 24, 2000 (65 FR 70533). That action proposed to require removal of old high pressure compressor (HPC) air ducts and mating hardware and replacement with newly designed air ducts and reworked mating hardware in accordance with GE Aircraft Engines (GEAE) Service Bulletin (SB) CF6–50 72–1200, dated May 8, 2000; GEAE Alert Service Bulletin (ASB) CF6–50 72–A1200, Revision 1, dated July 20, 2000; or GEAE ASB CF6–50 72–A1200, Revision 2, dated November 2, 2000.Those bulletins describe procedures for removal of the HPC air duct assembly, part numbers (P/N's): 9128M36G03 / G04 / G05 / G06 / G08 / G20 / G21 or 1644M16G03 and mating hardware (rear shaft or stage 11–14 spool shaft) and replacement with the new design air duct and reworked mating hardware.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Typographical Error

One commenter notes that there is a typographical error in paragraph (a) of the proposed rule. The error is in the P/N for the air duct assembly. There is no P/N 99128M36G03. The FAA agrees, and has changed the P/N reference from 99128M36G03 to 9128M36G03.

Cost of 3–9 Spool Inspections

One commenter requests that the cost of the stage 3–9 spool inspections required by other AD's be included in the cost analysis for this rule as well. The FAA does not agree. The costs of the stage 3–9 spool inspections required by other AD's were accounted for in the rule making process for those rules. This AD does not require additional stage 3–9 spool inspections.

Shop Visit Definition

Two commenters request that the definition of shop visit for this rule be modified or clarified because they believe that the shop visit definition in the proposed rule will force

incorporation of newly designed air ducts and modification of the mating hardware sooner than intended. The FAA agrees. The definition in the proposed rule would have required incorporation of the redesigned air duct at any time the HPC stage 2 disk flange was disassembled or the HPC stage 1 disk was removed, for any reason. As the commenters note, this occurs during routine maintenance and tying the replacement of the HPC air duct to that triggering event would have an unintended acceleration of the HPC air duct replacement program. Therefore, the FAA has changed the definition of HPC rotor exposure. The requirements of this AD are triggered on removal of the stage 3–9 spool from the HPC rotor structure, regardless of whether any blades, locking lugs, bolts or balance weights remain assembled to the spool. This change will achieve the intended rate of compliance for the redesigned air duct incorporation while maintaining an acceptable level of safety.

Revision of Economic Impact

Two commenters believe that the cost analysis of the AD should be revised to reflect a higher cost due to additional maintenance or inspections that will be needed once the HPC is disassembled to piece-part level for the rework and installation of the new air duct. The FAA does not agree. The costs cited in the proposal reflect the costs for complying with this AD. Other potential costs that may be incurred for other reasons (i.e. normal maintenance or other AD required inspections) are not included in the cost analysis for the actions required by this AD.

Inspection of Certain Reworked Rear Shafts

In addition, a comment was received to Docket No. 90–ANE–25–AD in response to a Notice of Proposed Rulemaking (NPRM) published on October 12, 2000 (65 FR 60597) that proposed to revise AD 91–10–03 R1. That proposed revision was to add reworked rear shaft part numbers to the list of affected parts in AD 91–10–03 R1 to ensure that the necessary inspections were continued following rework and reidentification of the parts. The rework is required in order to use these rear shafts with the redesigned air duct, and does not address the bolt hole condition that prompted the inspection requirements of 91–10–03 R1. The commenter believed that the new effective date of the proposed revision to AD 91–10–03 R1 could be misconstrued and result in parts continuing in service without the required inspections for longer than intended by AD 91–10–03 R1.

The FAA agrees that the new effectivity date of the proposed revision to AD 91–10–03 R1 could reduce the intended level of safety. Therefore, the NPRM Docket No. 90–ANE–25–AD is being withdrawn, and the requirement to inspect the reworked shafts that was proposed by that proposed rule has instead been incorporated into this final rule. Incorporation of the air duct required by this rule also requires that the existing rear shafts be reworked and reidentified in order to be used with the new air duct design. The rework procedure requires that the rear shaft be inspected at the time of the rework, regardless of any prior inspection history. Part of that inspection includes the same fluorescent penetrant inspection required by AD 91–10–03 R1. If the part has not already received an initial inspection in accordance with AD 91–10–03 R1, it will receive the necessary inspection as part of the rework procedure. Therefore, the repetitive inspection interval of 6,000 CSLI will be added to this AD for reworked and reidentified rear shafts. The additional cost for this inspection has been added to the cost analysis for this AD.

Finally, the applicability for this AD now also reflects the reidentified rear shafts. The total number of engines affected by this AD, however, remains the same because the incorporation of the new air duct also requires modification of the rear shaft.

Service Bulletin update

The FAA has added to paragraph (a) a reference to GE Aircraft Engines Alert Service Bulletin CF6–50 72–A1200, Revision 3, dated May 30, 2001, as an option by which to perform the required air duct replacement and rework of the mating hardware.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Economic Impact

There are about 1,730 engines of the affected design in the worldwide fleet. The FAA estimates that 469 engines installed on aircraft of U.S. registry would be affected by this AD, that it would take about 70 work hours per engine to disassemble and reassemble the HPC module, that it would take 19 hours to rework the mating hardware, that the repetitive inspection of each reworked rear shaft would take two hours, and that the average labor rate is $60 per work hour. Each new air duct assembly will cost $32,985. Based on these figures, the total AD cost impact on U.S. operators is estimated to be $18,030,705.

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2001–12–20 General Electric Company (GE) CF6–50 turbofan engines: Amendment 39–12276. Docket 2000–NE–30–AD.

Applicability

This airworthiness directive (AD) is applicable to General Electric Company (GE) CF6–50 turbofan engines with high pressure compressor (HPC) rotor air duct assemblies, part numbers (P/N's): 9128M36G03 / G04 / G05 / G06 / G08 / G20 / G21, or 1644M16G03 installed. This AD is also applicable to CF6–50 turbofan engines with HPC rear shaft P/N's: 1999M25P01 / P02 / P03 / P04 / P05 / P06 / or P07 installed. These engines are installed on but not limited to Boeing 747, Airbus A300, and McDonnell Douglas DC10 airplanes.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance

Compliance with the requirements of this AD is required as indicated, unless already done.

To prevent HPC air duct failures that could result in fan mid shaft (FMS) failures and uncontained low pressure turbine (LPT) events, and to prevent HPC rear shaft failures that could result in uncontained engine failures, do the following:

(a) At next HPC rotor exposure, remove the HPC air duct assembly P/N's: 9128M36G03 / G04 / G05 / G06 / G08 / G20 / G21 or 1644M16G03 and mating hardware (rear shaft or stage 11–14 spool shaft) and replace with the new design air duct and reworked mating hardware in accordance with the accomplishment instructions of GE Aircraft Engines (GEAE) Service Bulletin (SB) CF6–50 72–1200, dated May 8, 2000; GEAE Alert Service Bulletin (ASB) CF6–50 72–A1200, Revision 1, dated July 20, 2000; GEAE ASB CF6–50 72–A1200, Revision 2, dated November 2, 2000; or GEAE ASB CF6–50 72–A1200, Revision 3, dated May 30, 2001.

(b) Inspect rear shaft P/N's: 1999M25P01 / P02 / P03 / P04 / P05 / P06 / or P07 in accordance with the Accomplishment Instructions of GEAE ASB CF6–50 72–A0958, Revision 3, dated May 25, 2001, at intervals not to exceed 6,000 cycles since last inspection.

(c) For the purposes of this AD, HPC rotor exposure is defined as disassembly and removal of the stage 3–9 spool from the HPC rotor structure, regardless of whether any blades, locking lugs, bolts or balance weights remain assembled to the spool.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate Federal Aviation Administration (FAA) Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Documents That Have Been Incorporated by Reference

(e) The actions shall be done in accordance with the following GE Aircraft Engines service bulletin (SB) and alert service bulletins (ASB's):

Document No.	Pages	Revision	Date
SB CF6–50 72–1200 Total pages: 17	All	Original	May 8, 2000.
ASB CF6–50 72–A1200 Total pages: 18	All	1	July 20, 2000.
ASB CF6–50 72–A1200 Total pages: 19	All	2	November 2, 2000.
ASB CF6–50 72–A1200 Total pages: 21	All	3	May 30, 2001.
ASB CF6–50 72–A0958 Total pages: 6	All	3	May 25, 2001.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone: (513) 672–8400; fax: (513) 672–8422. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on July 26, 2001.

Issued in Burlington, Massachusetts, on June 13, 2001.

Wayne E. Gaulzetti,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–15446 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–33–AD; Amendment 39–12280; AD 2001–12–24]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model CL–600–2B19 series airplanes, that currently requires repetitive ultrasonic inspection to detect damage of the actuator lugs of the flight spoiler center hinge; and corrective action, if necessary. This amendment mandates the previously optional terminating action by requiring replacement of the flight spoilers with new improved spoilers. The actions specified by this AD are intended to prevent uncommanded deployment of a flight spoiler, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective July 26, 2001.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 1, 2001 (66 FR 10187).

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York

Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7512; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2001–03–04, amendment 39–12107 (66 FR 10187, February 14, 2001), which is applicable to certain Bombardier Model CL–600–2B19 series airplanes, was published in the **Federal Register** on March 29, 2001 (66 FR 17094). The action proposed to continue to require repetitive ultrasonic inspection to detect damage of the actuator lugs of the flight spoiler center hinge; and corrective action, if necessary. The action also proposed to mandate the previously optional terminating action by requiring replacement of the flight spoilers with new improved spoilers.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 195 Bombardier Model CL–600–2B19 series airplanes of U.S. registry that will be affected by this AD.

The inspections that are currently required by AD 2001–03–04, and retained in this new AD, take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $23,400, or $120 per airplane, per inspection cycle.

The new replacement that is required by this AD will take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the new replacement required by this AD on U.S. operators is estimated to be $46,800, or $240 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–12107 (66 FR 10187, February 14, 2001), and by adding a new airworthiness directive (AD), amendment 39–12280, to read as follows:

2001–12–24 Bombardier, Inc. (Formerly Canadair): Amendment 39–12280. Docket 2001–NM–33–AD. Supersedes AD 2001–03–04, Amendment 39–12107.

Applicability: Model CL–600–2B19 series airplanes, 7003 though 7340 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded deployment of a flight spoiler, which could result in reduced controllability of the airplane, accomplish the following:

Restatement of Requirements of AD 2001–03–04

Inspections

(a) Prior to the accumulation of 3,000 total flight cycles or within 30 days after March 1, 2001 (the effective date of AD 2001–03–04, amendment 39–12107): Perform nondestructive evaluation procedure NDE UT–35 (ultrasonic inspections) to detect damage (e.g., cracking) of the actuator lugs on both of the center hinge fittings of flight spoilers part numbers (P/N) 600–10602–1001 and –1002, at spoiler stations 195.36 and 204.36; in accordance with Section 2, Accomplishment Instructions, Part A of Bombardier Alert Service Bulletin A601R–57–027, Revision C, dated May 30, 2000. If no damage is detected, repeat the inspection at intervals not to exceed 500 flight cycles until the requirements of paragraph (c) of this AD have been accomplished.

Note 2: Accomplishment of the nondestructive evaluation procedure in accordance with Bombardier Alert Service Bulletin A601R–57–027, dated April 19, 1999; Revision A, dated July 23, 1999; or Revision B, dated December 8, 1999; is acceptable for compliance with the requirements of paragraph (a) of this AD.

Corrective Actions

(b) If any damage (e.g., cracking) is detected during the inspection required by paragraph (a) of this AD: Prior to further flight, remove the damaged flight spoiler and

perform nondestructive evaluation procedure NDE ET–27 of the lug, per Section 2 of the Accomplishment Instructions of Part B of Bombardier Alert Service Bulletin A601R–57–027, Revision C, dated May 30, 2000.

(1) If no damage is detected, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 500 flight cycles until the requirements of paragraph (c) of this AD have been accomplished.

(2) If any damage is detected, prior to further flight, replace the damaged flight spoiler with a new or serviceable flight spoiler, per Bombardier Service Bulletin 601R–57–029, dated May 30, 2000.

(i) For a flight spoiler with no damage or one that is replaced with a new or serviceable flight spoiler: Repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 500 flight cycles, until the requirements of paragraph (c) of this AD have been accomplished.

(ii) If both flight spoilers are replaced with new improved spoilers, no further action is required by this AD.

New Requirements of this AD

Replacement of Certain Flight Spoilers

(c) Within 36 months after the effective date of this AD, replace any flight spoiler having part number (P/N) 600–10602–1001 or 600–10602–1002 with a new improved left-hand flight spoiler having P/N 600–10602–73 or a new right-hand flight spoiler having P/N 600–10602–74, as applicable; in accordance with Bombardier Service Bulletin 601R–57–029, dated May 30, 2000. Such replacement of both the left-hand and right-hand flight spoilers constitutes terminating action for the repetitive inspection requirements of this AD.

Reporting Requirements

(d) Within 30 days of accomplishing the inspection required by paragraph (a) of this AD: Submit a report of any findings of cracking to Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) The actions shall be done in accordance with Bombardier Alert Service Bulletin A601R–57–027, Revision C, dated May 30, 2000; and Bombardier Service Bulletin 601R–57–029, dated May 30, 2000. The incorporation by reference of these documents was approved previously by the Director of the Federal Register as of March 1, 2001 (66 FR 10187, February 14, 2001). Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–15R1, dated February 22, 2001.

Effective Date

(h) This amendment becomes effective on July 26, 2001.

Issued in Renton, Washington, on June 14, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15573 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–158–AD; Amendment 39–12277; AD 2001–12–21]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Boeing Model 747 series airplanes, that currently requires revising the Airplane Flight Manual to include procedures to prevent dry operation of the center wing fuel tank override/jettison pumps and, for certain airplanes, to prohibit operation of the horizontal stabilizer tank transfer pumps in-flight. For certain airplanes, this amendment requires installation of improved fuel pumps, which terminates the requirements of the existing AD. This amendment is prompted by new information received from the fuel pump manufacturer. The actions specified by this AD are intended to prevent contact between the rotating paddle wheel and the stationary end plates within the center wing tank override/jettison fuel pumps or horizontal stabilizer tank transfer pumps, which could cause sparks and/or a hot surface condition and consequent ignition of fuel vapor in the center wing tank or horizontal stabilizer tank during dry pump operation (no fuel flowing).

DATES: Effective July 26, 2001.

ADDRESSES: Information pertaining to this AD may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sulmo Mariano, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2686; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–25–52, amendment 39–10957 (63 FR 71214, December 24, 1998), which is applicable to all Boeing Model 747 series airplanes, was published in the **Federal Register** on November 20, 2000 (65 FR 69718). The action proposed to require, for certain airplanes, installation of improved fuel pumps, which would terminate the requirements of the existing AD.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Clarify Intent of Paragraph (b)

One commenter requests that the FAA revise paragraph (b) of the proposed rule to clarify that compliance with the requirements of that paragraph terminates the requirements of paragraph (a) of the proposed rule. The commenter points out that, while paragraph (b) states that no further action is required if it is determined that the correct thrust washer is installed under the guidelines in paragraphs (b)(1), (b)(2), and (b)(3) of the proposed rule, paragraph (b) does not state that the operational limitations in paragraph (a) are no longer necessary.

The FAA concurs with the commenter's request, and has revised paragraph (b) of this AD to state that accomplishment of that paragraph terminates the requirements of paragraph (a) of this AD.

Revise Paragraph (b) to Reference Acceptable Parts

One commenter requests that the FAA revise paragraph (b) to refer to the acceptable replacement parts identified in paragraph (c) of the proposed rule. The commenter states that Crane Hydro-Aire fuel pumps having thrust washers, part number 60–06561, with a date code of 9848 or higher etched on the outside diameter of the thrust washer, are acceptable. If such pumps are installed, no further action is required by this AD; thus, this guideline should be included with the others under paragraph (b). The commenter notes that this change will make the proposed rule easier to follow.

The FAA concurs, and has added a new paragraph (b)(4) to this final rule.

Revise Cost Impact

One commenter, the parts manufacturer, requests that the FAA revise the "Cost Impact" section of the proposed rule to remove the statement "Required parts would be provided by the manufacturer at no cost to the operators." The commenter states that there are certain restrictions on the cost of parts to the operators, based on the date of overhaul or repair of the pumps. The commenter suggests including a new statement such as, "Modification of the fuel pump by CRANE Hydro-Aire or required parts for modification by the operator will be provided by the manufacturer'at no cost to the operator in accordance with the "Repair Options" and "Warranty" sections of the applicable CRANE Hydro-Aire Service Bulletin."

The FAA concurs with the intent of the commenter's request. The FAA has revised the "Cost Impact" section of this final rule to include the following statement, which is more general than the statement suggested by the commenter: "The parts manufacturer has committed previously to its customers that it may bear the cost of replacement parts with certain restrictions, based on the date of overhaul or repair of the pumps."

Limit Applicability

One commenter, the airplane manufacturer, requests that the FAA revise the proposed rule to limit the applicability to airplanes up to and including line number 1188. The commenter states that airplanes after line number 1188 have the correct thrust washers installed and, therefore, are not subject to the actions in the proposed rule. The commenter further notes that in-service pump replacements on airplanes after line number 1188 will be maintained by normal operator practices for parts control.

The FAA does not concur with the commenter's request to limit the applicability. Though only certain airplanes were produced with the incorrect thrust washer, the pump with the subject washer may easily be removed from one airplane and installed on another airplane. Thus, airplanes such as those with line numbers 1188 and subsequent, which were delivered with the correct thrust washer, may subsequently have had a pump with a discrepant thrust washer installed. No change to the final rule is necessary in this regard.

Request To Clarify Compliance Tracking

One commenter requests that paragraph (b) of the proposed rule be revised to specifically reference the accomplishment instructions of Boeing Service Bulletin 747–28–2225, dated December 3, 1998. Paragraph (b) defines conditions under which no action is required per this AD. The commenter states that including a reference to Boeing Service Bulletin 747–28–2225 would make it easier for operators to track compliance for the purposes of this proposed rule.

The FAA does not concur with the commenter's request. The FAA finds that compliance may be tracked by the part number of the override or override/jettison pump, or by review of maintenance records, methods which are allowed by paragraph (b) of this AD. The FAA finds that revising paragraph (b) of this AD in the manner suggested by the commenter would provide no improvement in the clarity of the AD. However, the original issue of Boeing Service Bulletin 747–28–2225, as well as Revision 3, dated March 3, 1999, were previously approved as alternative methods of compliance (AMOCs) for AD 98–25–52. Accordingly, paragraph (d)(2) of this AD, states that (with one exception) AMOCs approved previously in accordance with AD 98–25–52, amendment 39–10957, are approved as alternative methods of compliance with paragraph (a) of this AD. Airplanes on which the intent of paragraph (a) of this AD has been accomplished are not subject to paragraph (b) of this AD. Thus, no change to the final rule is necessary in this regard.

Comment on Implied Life Limit of Thrust Washer

One commenter notes that the following statement, made in the "Actions Since Issuance of Previous Rule" section of the proposed rule, indicates that the life of the thrust washer on the improved pumps has been extended from 500 hours to "more than 15,000 hours." The commenter expresses concern that, while this may be a significant improvement in life limit, failure of the pump, whether at 15,000 hours or 500 hours, would still be catastrophic and, thus, is an unacceptable risk. The commenter states that, if the failure mode is still present in the improved pump, the commenter would not support the removal of the fuel quantity restrictions from the Airplane Flight Manual as allowed by the proposed rule.

The FAA infers that the commenter is requesting that the FAA remove the terminating action provided by paragraph (c) of this AD. The FAA does not concur with the commenter's request. The statement noted by the commenter was intended as a reference, not to indicate that the life of the thrust washer was 15,000 hours. Service experience has shown that the aluminum oxide coating applied to the thrust washer using a D-gun spray method lasts at least as long as the currently expected service life of the pump between overhauls. While no specific limit on the overhaul interval for the pump exists, the FAA has determined that an acceptable level of safety will be provided with respect to failure of the thrust bearing without continuing to require the AFM procedures for early pump shutoff. However, the FAA recognizes and agrees with the commenter's concern regarding the possible failure modes of fuel pumps and the current design practice of routinely allowing fuel pumps in auxiliary fuel tanks (including built-in auxiliary tanks such as the center wing tank and the horizontal stabilizer tank on Model 747–400 series airplanes) to run until the inlets are uncovered. The FAA is examining this issue and is considering issuing additional rulemaking to address fuel pump installations that are not fail-safe on existing transport airplane designs. No change to the final rule is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes

previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,100 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 250 airplanes of U.S. registry will be affected by this AD.

The AFM revisions that are currently required by AD 98–25–52 take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $15,000, or $60 per airplane.

The replacements required for certain airplanes by this new AD will take approximately 25 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The parts manufacturer has committed previously to its customers that it may bear the cost of replacement parts with certain restrictions, based on the date of overhaul or repair of the pumps. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be $375,000, or $1,500 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10957 (63 FR 71214, December 24, 1998), and by adding a new airworthiness directive (AD), amendment 39–12277, to read as follows:

2001–12–21 Boeing: Amendment 39–12277. Docket 2000–NM–158–AD. Supersedes AD 98–25–52, Amendment 39–10957.

Applicability: All Model 747 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent contact between the rotating paddle wheel and the stationary end plates within the center wing tank override/jettison fuel pumps or horizontal stabilizer tank transfer pumps due to excessive wear of the pump shaft carbon thrust bearing, which can cause sparks and/or a hot surface condition and consequent ignition of fuel vapor in the center wing tank or horizontal stabilizer tank during dry pump operation (no fuel flowing), accomplish the following:

Restatement of Requirements of AD 98–25–52

Airplane Flight Manual (AFM) Revisions

(a) Within 7 days after December 29, 1998 (the effective date of AD 98–25–52, amendment 39–10957), revise the Limitations Section of the FAA-approved AFM to include the following procedures. This may be accomplished by inserting a copy of this AD into the AFM.

"For Model 747–400 series airplanes equipped with a horizontal stabilizer tank, operation of the horizontal stabilizer tank transfer pumps is prohibited in flight.

A tripped circuit breaker of a center wing tank override/jettison pump or a tripped circuit breaker of a horizontal stabilizer tank transfer pump must not be reset until the associated fuel pump has been inspected for damage and any damage has been repaired.

The center wing tank override/jettison pumps must be operated in accordance with either option 1 or option 2 below.

Option 1

If the center wing tank override/jettison pumps are required for flight, the center tank must contain a minimum of 17,000 pounds (7,700 kilograms) at engine start. The fuel quantity indicating system of the center wing tank must be operative to dispatch with center wing tank fuel intended for use in the flight.

Select both center wing tank override/jettison pump switches off at or before the fuel quantity of the center wing tank reaches 7,000 pounds (3,200 kilograms). Note: On Model 747–400 series airplanes, the "FUEL OVRD CTR L" and "FUEL OVRD CTR R" engine indication and crew alerting system (EICAS) messages will be displayed with the switches off.

The center wing tank override/jettison pumps may be operated with less than 7,000 pounds of fuel in the center wing tank if required to address an emergency (such as fuel jettison or low fuel quantity).

Option 2

If the center wing tank override/jettison pumps are required for flight, the center tank must contain a minimum of 50,000 pounds (22,700 kilograms) at engine start. The fuel quantity indicating system of the center wing tank must be operative to dispatch with center wing tank fuel intended for use in the flight.

Select both center wing tank override/jettison pump switches off at or before center wing tank fuel quantity reaches 3,000 pounds (1,400 kilograms).

The center wing tank override/jettison pumps may be operated with less than 3,000 pounds of fuel in the center wing tank if required to address an emergency (such as fuel jettison or low fuel quantity)."

New Requirements of This Ad

Determination of Correct Thrust Washer

(b) For airplanes having center wing fuel tank override/jettison pumps and, if installed, horizontal stabilizer tank transfer pumps: If all pumps meet the criteria

specified in paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this AD (i.e., the correct thrust washer is installed), no further action is required by this AD. Accomplishment of this paragraph terminates the requirements of paragraph (a) of this AD.

(1) Verify the serial number on the pump data plate. The first four digits of the pump serial number represent the month and year of manufacture (e.g., 0697 indicates a pump manufactured in June 1997). If the serial number date code indicates that the pump was manufactured prior to July 1996, or after November 1998, and if the operator can determine that the pump was not overhauled or repaired after July 31, 1996, then the pump has the correct thrust washer installed. If the pump was overhauled or repaired after July 31, 1996, and the operator has maintenance/overhaul records showing that the thrust washer was not replaced, or was replaced with the correct thrust washer, as specified in paragraph (c) of this AD, then the pump has the correct thrust washer installed.

(2) For airplanes having a date of manufacture prior to July 1996, if the operator can determine that the pump was not overhauled or repaired after July 31, 1996; and the pump was not replaced with a new pump manufactured between July 1996 and November 1998, then the pump has the correct thrust washer installed. If the pump was overhauled or repaired after July 31, 1996, and the operator has maintenance/overhaul records showing that the thrust washer was not replaced, or was replaced with the correct thrust washer, as specified in paragraph (c) of this AD, then the pump has the correct thrust washer installed.

(3) For airplanes having pumps installed containing a serial number on the pump data plate with the suffix "P," the pump has the correct thrust washer installed.

(4) For airplanes having Crane Hydro-Aire fuel pumps having a thrust washer, part number 60–06561, with a date code of 9848 ("98" indicates the year 1998, and "48" indicates the 48th week in 1998), or higher, etched on the outside diameter of the thrust washer, the pump has the correct thrust washer installed.

Terminating Action

(c) For airplanes that do not meet the requirements specified in paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this AD; or if the serial number on the pump data plate of any fuel pump cannot be determined: Within 24 months after the effective date of this AD, replace the applicable center wing fuel tank override/jettison pumps and horizontal stabilizer tank transfer pumps with Crane Hydro-Aire fuel pumps having a thrust washer, part number 60–06561, with a date code of 9848 ("98" indicates the year 1998, and "48" indicates the 48th week in 1998), or higher, etched on the outside diameter of the thrust washer. Accomplishment of this paragraph terminates the requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

(d)(1) An alternative method of compliance (AMOC) or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector or Principal Maintenance Inspector, as applicable, who may add comments and then send it to the Manager, Seattle ACO.

(2) With the exception of FAA AMOC letter to Boeing (No. 98–140–437, dated December 9, 1998), AMOCs approved previously in accordance with AD 98–25–52, amendment 39–10957, are approved as alternative methods of compliance with paragraph (a) of this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Effective Date

(f) This amendment becomes effective on July 26, 2001.

Issued in Renton, Washington, on June 14, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15569 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–22]

Revision of Class E Airspace, Poplar, MT

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This action revises the Poplar, MT, Class E airspace to accommodate airspace required for the establishment of new Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP)s to the Poplar Airport, Poplar, MT. Additional Class E 700 feet, and 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV RWY 27 and RWY 9 SIAP to Poplar Airport.

EFFECTIVE DATE: 0901 UTC, September 6, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–22, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On February 13, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Poplar, MT, in order to accommodate new RNAV SIAPs at Poplar Airport, Popular MT (66 FR 9989). This amendment provides Class E5 airspace at Poplar, MT, to meet current criteria standards associated with the SIAP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Poplar, MT, in order to accommodate a new RNAV SIAPs to the Poplar Airport, Poplar, MT. This amendment revises Class E5 airspace at Poplar, MT, to meet current criteria standards associated with the RNAV SIAP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Poplar Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a

routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM MT E5 Poplar, MT [REVISED]

Poplar Airport, MT
(Lat. 48°06′58″N., long. 105°10′56″W.

That airspace extending upward from 700 feet above the surface within 9.1 mile radius of the Poplar, MT, airport and within 2.5 miles each side of the 285° bearing extending from the airport to 11.5 miles northwest of the airport; and within 2.5 miles each side of the 105° bearing from the airport extending to 11.5 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line from lat. 47°53′25″N., long. 105°52′50″W.; to lat. 48°18′00″N., long. 105°52′50″W.; to lat. 48°18′00″N., long. 104°30′00″W.; to lat. 47°53′25″N., long. 104°30′00″W.; to the beginning; excluding that airspace within Federal Airways and the Wolf Point, MT Class E airspace.

* * * * *

Issued in Seattle, Washington, on June 14, 2001.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–15611 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–12]

Establishment of Class E Airspace, Heber City, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes the Heber City, UT, Class E airspace to accommodate airspace required for the establishment of a new Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) to the Heber City Russ McDonald Field, Heber City, UT.

EFFECTIVE DATE: 0901 UTC, September 6, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–12, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On January 23, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Heber City, UT, in order to accommodate a new RNAV SIAP and Departure Procedure (DP) at Heber City Russ McDonald Field, Heber City, UT (66 FR 7435). This amendment provides Class E5 airspace at Heber City, UT, to meet current criteria standards associated with the SIAPs and DP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) establishes Class E airspace at Heber City, UT, in order to accommodate a new SIAP and DP to the Heber City Russ McDonald Field, Heber City, UT. This amendment establishes Class E5 airspace at Heber City, UT, to meet current criteria standards associated with the RNAV SIAP and DP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Heber City Russ McDonald Field and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM UT E5 Heber City, UT [NEW]

Heber City Muni-Russ McDonald Field, UT
(Lat. 40°28′55″N., long. 111°25′44″W.)

That airspace extending upward from 700 feet above the surface within the 5-mile radius of the Heber City Muni-Russ McDonald Field, and within 2 miles each side of the 010° bearing from the airport extending to 7.8 miles, and within 2 miles each side of the 160° bearing extending to 8.9 miles; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 41°13′45″N., long. 111°24′20″W., to lat. 41°11′34″N., long. 111°09′28″W., to lat. 40°09′40″N., long. 111°15′42″W., to lat. 40°10′52″N., long. 111°34′57″W., to lat. 40°30′00″N., long. 111°34′57″W to origin, and excluding that airspace within Federal airways; the Salt Lake City, UT; and the Evanston, WY, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on June 14, 2001.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–15610 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241, 251 and 271

[Release Nos. 33–7985, 34–44424; 35–27419; IC–25003]

RIN 3235–AI14

Application of the Electronic Signatures in Global and National Commerce Act To Record Retention Requirements Pertaining to Issuers Under the Securities Act of 1933, Securities Exchange Act of 1934 and Regulation S-T

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation.

SUMMARY: We are publishing guidance on the obligations of issuers to maintain certain records under the Securities Act of 1933 ("Securities Act"), Securities Exchange Act of 1934 ("Exchange Act") and Regulation S-T in light of the Electronic Signatures in Global and National Commerce Act ("E-SIGN").

EFFECTIVE DATE: June 21, 2001.

FOR FURTHER INFORMATION CONTACT: Mark A. Borges, Division of Corporation Finance, at (202) 942–2910.

SUPPLEMENTARY INFORMATION: We are publishing guidance [1] on the impact of E-SIGN [2] on our rules promulgated under the Securities Act,[3] Exchange Act [4] and Regulation S-T [5] that require issuers to retain signature authentication documents and certain other records for specified time periods.

Discussion

I. Background

E-SIGN seeks to promote electronic commerce by permitting and encouraging the use of electronic records and signatures in transactions in interstate or foreign commerce.[6] Generally, E-SIGN provides that, with respect to any transaction [7] within its scope, a signature, contract or other record relating to the transaction may not be denied legal effect, validity or enforceability solely because it is in electronic form.[8] Similarly, E-SIGN provides that a contract relating to such transaction may not be denied legal effect, validity or enforceability solely because an electronic signature or electronic record was used in its formation.[9]

E-SIGN also encourages the electronic storage of records relating to business, consumer and commercial transactions.[10] Further, E-SIGN authorizes federal and state regulatory agencies to set standards and formats for the retention of these electronic records.[11]

II. E-SIGN's Record Retention Provision

Under E-SIGN, if a statute, regulation or other rule of law requires that a contract or other record relating to a transaction be retained, that requirement is met by retaining an electronic record of the information in the contract or other record if the electronic record

- Accurately reflects the information set forth in the contract or other record; and
- Remains accessible to all persons who are entitled to access by statute, regulation or rule of law, for the period required by such statute, regulation or rule of law, in a form that is capable of being accurately reproduced for later reference.[12]

E-SIGN generally supersedes pre-existing regulatory agency requirements that a record be kept on paper if that record is generated in a business, consumer or commercial transaction.[13] If, however, the record is generated

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[1] Except for the discussion in this release about authentication documents, our views expressed today do not address record retention requirements for investment companies and public utility holding companies. Our views also do not address record retention requirements for investment advisers, transfer agents or broker-dealers. These matters are addressed in separate releases. *See* Investment Company Act Release No. 24991 (May 24, 2001) [66 FR 29224 (May 30, 2001)] (investment companies and investment advisers); Public Utility Holding Company Act Release No. 27404 (May 24, 2001) [66 FR 29471 (May 31, 2001)] (public utility holding companies); Exchange Act Release No. 44238 (May 1, 2001) [66 FR 22916 (May 7, 2001)] (broker-dealers); and Exchange Act Release No. 44227 (Apr. 27, 2001) [66 FR 21648 (May 1, 2001)] (transfer agents). This release does not in any way affect the record retention requirements discussed in those releases.

As we have previously noted (*see* Securities Act Release No. 7912 (Oct. 27, 2000) [65 FR 65736 (Nov. 2, 2000)]; Securities Act Release No. 7877 (July 27, 2000) [65 FR 47281 (Aug. 2, 2000)]), we are considering the broader implications of the Electronic Signatures in Global and National Commerce Act on securities transactions.

[2] Pub. L. No. 106–229, 114 Stat. 464 (2000) (codified at 15 U.S.C. 7001–7006, 7021, 7031).

[3] 15 U.S.C. 77a, *et seq.*

[4] 15 U.S.C. 78a, *et seq.*

[5] 17 CFR 232.10—232.601.

[6] E-SIGN preamble.

[7] E-SIGN section 106(13) [15 U.S.C. 7106(13)] defines the term "transaction" generally to mean "an action or set of actions relating to the conduct of business, consumer or commercial affairs between two or more persons."

[8] E-SIGN section 101(a)(1) [15 U.S.C. 7001(a)(1)]. Note, however, that section 101(e) of E-SIGN [15 U.S.C. 7001(e)] provides that legal effect, validity or enforceability may be denied to a contract or other record required to be in writing that is kept in electronic form if the electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all involved parties.

[9] E-SIGN section 101(a)(2) [15 U.S.C. 7001(a)(2)].

[10] E-SIGN section 101(d)(1) [15 U.S.C. 7001(d)(1)]. With respect to record retention requirements imposed by a federal statute or agency rule, E-SIGN became effective on March 1, 2001 unless a federal regulatory agency had announced, proposed or initiated rulemaking to establish performance standards to assure accuracy, record integrity and accessibility of electronic records on or before that date. Where a federal regulatory agency announced, proposed or initiated a rulemaking project on or before March 1, 2001, the effective date of E-SIGN was postponed until June 1, 2001 with respect to those record retention requirements. *See* E-SIGN section 107(b)(1) [15 U.S.C. 7007(b)(1)]. On February 28, 2001, we published notice of our intention to engage in rulemaking in order to provide interpretive guidance and, where appropriate, propose or adopt electronic performance standards consistent with E-SIGN. *See* Securities Act Release No. 7955 (Feb. 28, 2001) [66 FR 13273 (Mar. 5, 2001)]. Accordingly, to the extent that E-SIGN affects any record retention requirements under the federal securities laws, E-SIGN took effect on June 1, 2001, instead of March 1, 2001.

[11] E-SIGN section 104(b)(3) [15 U.S.C. 7004(b)(3)].

[12] E-SIGN section 101(d)(1) [15 U.S.C. 7001(d)(1)]. E-SIGN preserves our authority to interpret this provision. E-SIGN section 104(b)(1) [15 U.S.C. 7004(b)(1)].

[13] *See* Office of Management and Budget, Memorandum for the Heads of Departments and Agencies from Jacob J. Lew, No. M–00–15, *OMB Guidance on Implementing the Electronic Signatures in Global and National Commerce Act* (Sept. 25, 2000), Part III, B.1 ("OMB Guidance").

principally for governmental purposes, it is not subject to E-SIGN.[14]

III. Record Retention Requirements Imposed on Issuers Under the Securities Act, Exchange Act and Regulation S-T

Several of our disclosure rules require issuers to retain records related to the documents filed with us or distributed to investors. Of principal concern to us is the provision in Regulation S-T that requires issuers to retain manually-signed signature pages or other documents that signatories must execute ("authentication documents") to authenticate, acknowledge or otherwise adopt their signatures that appear in typed form within electronically filed documents.[15] These authentication documents must be executed before or at the time an issuer makes an electronic filing. The filer must retain each authentication document for a period of five years and furnish it to us upon request. Comparable requirements exist under the Securities Act and the Exchange Act where typed, duplicated or facsimile signatures appear on a document that we permit issuers to file with us in paper form.[16]

We believe that these requirements to retain authentication documents are not subject to E-SIGN because authentication documents are records generated principally for governmental purposes rather than in connection with a business, consumer or commercial transaction.[17] Moreover, these authentication documents arise in the context of a governmental filing. Governmental filings are expressly excluded from E-SIGN.[18] Accordingly, issuers subject to these retention requirements should continue to retain the paper original of all authentication documents.[19]

Other rules under the Securities Act, Exchange Act and Regulation S-T that require issuers to retain records[20] do not expressly require that the records be retained in paper form.[21] Accordingly, issuers may elect to keep these records in electronic form as long as the storage method selected offers the same assurances of accuracy and accessibility as are provided by paper retention.

At this time, we do not believe that the specification of any additional standards[22] for the electronic retention of issuer records subject to E-SIGN is needed to protect investors. If questions arise about the accuracy, integrity or accessibility of electronic records in the future, we may exercise our authority to impose appropriate standards for electronic retention.

List of Subjects

17 CFR Parts 231 and 241

Securities.

17 CFR Part 251

Holding companies; Securities.

17 CFR Part 271

Investment companies; Securities.

Amendments to the Code of Federal Regulations

For the reasons set forth in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as set forth below:

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

1. Part 231 is amended by adding Release No. 33–7985 and the release date of June 14, 2001, to the list of interpretive releases.

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

2. Part 241 is amended by adding Release No. 34–44424 and the release date of June 14, 2001, to the list of interpretive releases.

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

3. Part 251 is amended by adding Release No. 35–27419 and the release date of June 14, 2001, to the list of interpretive releases.

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[14] *Id.* at Part I, B and Part III, B.1. The OMB Guidance provides two examples that illustrate this point. In the first example, E-SIGN applies to a governmental agency's requirement that a seller retain a copy of the contract of sale for a regulated substance for future audit or law enforcement purposes because the contract is generated as part of a commercial transaction. In the second example, E-SIGN does not apply to a governmental agency's requirement that a seller retain a copy of an audit of its consumption of the regulated substance because retention is not "related to" a commercial transaction, but occurs to comply with a governmental requirement. *See also* 146 Cong. Rec. H4357 (daily ed. Jun. 14, 2000) (statement of Rep. Dingell).

Records generated to comply with governmental requirements are subject to the Government Paperwork Elimination Act [Pub. L. No. 105–277, Title XVII, §§ 1701—1710 (1998) (codified at 44 U.S.C. 3504)], which is effective October 21, 2003.

[15] *See* Item 302(b) of Regulation S-T [17 CFR 232.302(b)]. Since 1993, we have required most documents filed or otherwise submitted to us to be transmitted electronically to our Electronic Data Gathering, Analysis and Retrieval, or EDGAR, system. Regulation S-T, in conjunction with the EDGAR Filer Manual and the electronic filing provisions of applicable rules, regulations and forms, governs the electronic submission of documents filed or otherwise submitted to us via EDGAR. *See* Item 10(a) of Regulation S-T [17 CFR 232.10(a)].

[16] *See* Securities Act Rule 402(e) [17 CFR 230.402(e)]; Securities Act Rule 471(b) [17 CFR 230.471(b)]; Exchange Act Rule 12b-11(d) [17 CFR 240.12b-11(d)]; and Exchange Act Rule 14d-1(h) [17 CFR 240.14d-1(h)]. A similar requirement is applicable to beneficial owners of more than ten percent of any class of equity securities registered under Section 12 of the Exchange Act [15 U.S.C. 78l], and the officers and directors of the issuer of such security who are subject to Section 16(a) of the Exchange Act [15 U.S.C. 78p(a)]. *See* Exchange Act Rule 16a-3(i) [17 CFR 240.16a-3(i)] (retention of manually-signed signature page for any Section 16(a) statement filed with a typed, duplicated or facsimile signature).

[17] As explained in the adopting release for Regulation S-T, generally the authentication document retention requirement was established to provide a satisfactory means by which signatories could authenticate and adopt their typed signatures appearing on filed documents for evidentiary purposes. *See* Securities Act Release No. 6977, Section III.F.2 (Feb. 23, 1993) [58 FR 14628 (Mar. 18, 1993)]. Subsequently, comparable changes were made to the signature requirements for paper filings under the Securities Act and Exchange Act. *See* Securities Act Release No. 7300, Section IV (May 31, 1996) [61 FR 30397 (June 14, 1996)].

[18] E-SIGN section 104(a) [15 U.S.C. 7004(a)].

[19] Similarly, officers, directors and greater than ten percent beneficial owners who are subject to Section 16(a) of the Exchange Act should continue to retain the paper original of their authentication documents. *See* Exchange Act Rule 16a-3(i) [17 CFR 240.16a-3(i)].

[20] *See*, for example, Securities Act Rule 428(a)(2) [17 CFR 230.428(a)(2)] (issuers filing registration statements on Form S–8 [17 CFR 239.16b] required to retain documents comprising the Form S–8 prospectus for a period of five years after last use) and Item 405(b)(2)(ii) of Regulation S-K [17 CFR 229.405(b)(2)(ii)] (issuers that maintain for a period of two years the written representation of any reporting person under Section 16(a) of the Exchange Act [15 U.S.C. 78p(a)] that they were not required to file an annual statement of beneficial ownership of securities on Form 5 [17 CFR 249.105] for the issuer's most recently completed fiscal year not required to identify reporting person as having failed to file a Form 5 for that year).

[21] We note, however, that Item 304(c) of Regulation S-T [17 CFR 232.304(c)] requires electronic filers to retain for a period of five years a copy of each publicly distributed document, in the format used, that contains graphic, image, audio or video material where such material is not included in the filed version of the document. Therefore, if graphic or image material is distributed to investors in paper, an issuer would have to retain the information in paper under the rule. We will not object, however, if issuers elect to keep graphic or image information in electronic form, so long as it is a form that replicates the appearance of the distributed document.

[22] E–SIGN permits us to establish performance standards to assure the accuracy, record integrity and accessibility of records that are required to be retained. See E–SIGN section 104(b)(3)(A) [15 U.S.C. 7004(b)(3)(A)].

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

4. Part 271 is amended by adding Release No. IC–25003 and the release date of June 14, 2001, to the list of interpretive releases.

Dated: June 14, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15455 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 226–0271; FRL–6998–3]

Revision to the California State Implementation Plan, Antelope Valley Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a full disapproval of a revision to the Antelope Valley Air Pollution Control District portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on November 14, 2000 and concerns volatile organic compound (VOC) emissions from the transfer of gasoline at dispensing stations. We are taking this action under authority of the Clean Air Act as amended in 1990 (CAA or the Act).

EFFECTIVE DATE: This rule is effective on July 23, 2001.

ADDRESSES: You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect copies of the submitted rule revisions at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

Antelope Valley Air Pollution Control District, 43301 Division Street, Suite 206, (P.O. Box 4038), Lancaster, CA 93539.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX; (415) 744–1135.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

I. Proposed Action

On November 14, 2000 (65 FR 68111), EPA proposed a full disapproval of the following rule that was submitted for incorporation into the California SIP.

TABLE 1.—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
AVAPCD	461	Gasoline Transfer and Dispensing	09/15/98	05/13/99

Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received comments from the following party:

- Charles L. Fryxell, AVAPCD; letter dated December 12, 2000 and received December 14, 2000.

The comments and our responses are summarized below.

Comment I: AVAPCD disagrees with EPA that the reference to Rule 430 must be removed from Rule 461 because Rule 430 is not in the SIP and is not appropriate for the SIP. AVAPCD argues that Rule 430 was appropriately submitted to EPA as a SIP revision to support the District's title V program. AVAPCD believes that pursuant to the part 70 White Papers #1 and #2, submitted Rule 430 should be considered enforceable unless and until EPA disapproves it.

Response: Page 19 of part 70 White Paper #2 provides for Districts to write Title V permits that rely on rules that have been submitted but not approved by EPA, where the District reasonably believes that the submitted rule will be approved. This does not adequately support the comment on Rule 461 because:

(1) The White Papers do not address the case where a SIP rule, rather than a permit, references rules submitted but not approved.

(2) Based on the EPA correspondence referenced in the comment, AVACPD cannot reasonably assume that the submitted Rule 430 will be approved.

Because we believe Rule 430 will not be incorporated into the SIP and because we have identified other deficiencies in Rule 461, we believe it is appropriate to list the reference to Rule 430 as a deficiency in Rule 461. However, if AVAPCD continues to request EPA action on Rule 430, we can act on Rule 430 in a time frame consistent with District activity to revise Rule 461.

Comment II: AVAPCD comments that they removed the "Self-Compliance Program" (SCP) from Rule 461 because South Coast Air Quality Management District (SCAQMD) audits showed that the SCP was ineffective. AVAPCD also comments that they intend to monitor changes that SCAQMD has made in their SCP and will consider EPA's suggested replacement program.

Response: Information collected over the last several years by CARB, SCAQMD and others show considerable VOC emissions caused by inadequately maintained vapor recovery equipment. The SCP was designed to require regular equipment inspections and upkeep to ensure reasonable emission control. While this program may be flawed, we believe it has resulted in significant emission reductions. AVAPCD's removal of the SCP requirement without equivalent replacement violates sections 110(l), 182(b)(2), and 182(b)(3) of the CAA.

Comment III: AVAPCD comments that the proposed disapproval should be a limited approval/limited disapproval, because the rule was previously approved into the SIP and portions of the proposed amendments, including the deletion of the training requirement, the conditional extension of the exemption for mobile fuelers, and a

wide variety of minor changes, were acceptable to EPA.

Response: In general, we propose a limited approval/limited disapproval to SIP revisions that have minor deficiencies but strengthen the SIP overall. We believe this is not the case for the submitted Rule 461. None of the cited amendments and minor changes strengthen the SIP. The deletion of the requirement for the Self-Compliance Program weakens the SIP overall. Therefore, it is preferable to maintain the existing version of the rule in the SIP until the deficiencies are corrected.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a full disapproval of the submitted rule. This action retains the SIP rule in the California SIP. Sanctions will not be imposed under section 179 of the Act as described in 59 FR 39832 (August 4, 1994).

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. E.O. 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under E.O. 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in E.O. 13132, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

D. Executive Order 13175

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes."

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

EPA's disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's action because it does not require the public to perform activities conducive to the use of VCS.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 20, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 24, 2001.

Jane Diamond,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.269 is amended by adding paragraph (b)(3)(iii) to read as follows:

§ 52.269 Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide.

* * * * *

(b) * * *

(3) * * *

(iii) Antelope Valley APCD.

(A) Rule 461, Gasoline Transfer and Dispensing, submitted on May 13, 1999, is disapproved. The version of this rule submitted on January 31, 1996 (same title and number), which was previously approved in 40 CFR 52.220, is retained.

* * * * *

[FR Doc. 01–15617 Filed 6–20–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301135; FRL–6786–1]

RIN 2070–AB78

Isoxadifen-ethyl; Time-Limited Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for combined residues of the safener isoxadifen-ethyl in or on rice, grain; rice, straw; rice, hulls; and rice, bran. Aventis CropScience requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996. The tolerance will expire on June 21, 2004.

DATES: This regulation is effective June 21, 2001. Objections and requests for hearings, identified by docket control number OPP–301135, must be received by EPA on or before August 20, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301135 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Vera Soltero, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9359; and e-mail address: soltero.vera@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301135. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Registers** of June 9, 1999 (64 FR–30997) (FRL–6082–6) and June 30, 2000 (65 FR–40632) (FRL–6592–6), EPA issued notices pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as amended by the FQPA of 1996 (Public Law 104–170) announcing the filing of a pesticide petition (PP 9E5060) for tolerance by Aventis CropScience, P.O. Box 12014, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709. These notices included a summary of the petition prepared by Aventis CropScience, the petitioner. There were no comments received in response to these notices of filing.

The petition requested that 40 CFR 180.570 be amended by establishing a tolerance for the combined residues of the safener isoxadifen-ethyl, (ethyl 5,5-diphenyl-2-isoxazoline-3-carboxylate, CAS No. 163520–33–0) and its metabolites: 4,5-dihydro-5,5-diphenyl-3-isoxazolecarboxylic acid and β-hydroxy-β-benezenepropanenitrile, in or on rice, grain; and rice, straw at 0.050 and 0.20 part per million (ppm) respectively. The Agency determined that the tolerance levels should be raised and that tolerances for two additional rice commodities are appropriate due to the lack of a rice processing study. Thus, the tolerance levels for the safener isoxadifen-ethyl and its metabolites for the following commodities are: rice, grain; rice, straw; rice, hulls; and rice, bran at 0.10, 0.25, 0.50, and 0.80 ppm respectively. The tolerances will expire on June 21, 2004.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for the combined residues of isoxadifen-ethyl and its metabolites on rice, grain; rice, straw; rice, hulls; and rice, bran at 0.10, 0.25, 0.50, and 0.80 ppm respectively. EPA's assessment of exposures and risks associated with establishing the tolerances follow.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results on the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by isoxadifen-ethyl are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90–Day oral toxicity mouse	NOAEL = 19.8 miligram/killogram/day(mg/kg/day) in males, 254 mg/kg/day in females LOAEL = 191 mg/kg/day in males, 573 mg/kg/day infemales based on pathological changes in the liverconsisting of hepatocellular hypertrophy, hepatocellularvacuolation and fatty deposits in liver (males and females).

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.3100	90–Day oral toxicity rodents- rat	NOAEL = 13.8 mg/kg/day in males, 333.2mg/kg/day in females highest dose tested (HDT) LOAEL = 137.9 mg/kg/day in males based on decreasedbody weight and body weight gain.
870.3150	90–Day oral toxicity in nonrodents-dog	NOAEL = 1.2 mg/kg/day in males, 6.5mg/kg/day in females. LOAEL = 6.1 mg/kg/day in males, and 47.5 mg/kg/day infemales based on slight fat deposits in the collecting ductsof the kidney and aspermia (males) and decreased bodyweight gain, differences in various hematological parameters,and moderate fat deposits in the collecting ducts of the kidneys (females).
870.3200	28–Day dermal toxicity	NOAEL= 1,000 mg/kg/day LOAEL= not established
870.3700a	Prenatal developmental in rodents-rat	Maternal NOAEL = 120 mg/kg/day LOAEL = 1,000 mg/kg/day based on mortality,and reduced body weight, body weight gain and food consumption. Developmental NOAEL = 15 mg/kg/day LOAEL = 120 mg/kg/day based on increased incidence ofbent scapula.
870.3700b	Prenatal developmental in nonrodents-rabbit	Maternal NOAEL = 50 mg/kg/day LOAEL = 500 mg/kg/day based on mortality. Developmental NOAEL = 50 mg/kg/day LOAEL = 500 mg/kg/day based on increased litterincidence of fused, aplastic, dislocated or fragmentedcaudal vertebrae centers.
70.3800	Reproduction and fertility effects- rat	Parental/Systemic NOAEL = 12.6 mg/kg/dayin males, 16.7 mg.kg.day in females LOAEL = 249.8 mg/kg/day in males, 346.5 mg/kg/day infemales based on decreased body weight and body weightgain and increased kidney lesions in males and females. Reproductive NOAEL ≥249.8 mg/kg/day in males, 346.5mg/kg/day in females LOAEL = not established Offspring NOAEL = 12.6 mg/kg/day in males, 16.7mg/kg/day in females LOAEL = 249.8 mg/kg/day in males, 346.5 mg/kg/day in females based on decreased body weight in male pups and delayed sexual maturation in males and females.
870.4100b	Chronic toxicity dogs	NOAEL = 3.3 mg/kg/day in males, 3.6mg/kg/day in females LOAEL = 24 mg/kg/day based on increased bloodcreatinine in females, decreased urinary specific graviy inboth sexes, increased partial thromboplastin time in bothsexes, and increased incidence and severity of straighttubule vacuolation in the kidney of both sexes.
870.4200	Carcinogenicity rats	NOAEL = 84 mg/kg/day in males, 118mg/kg/day in females LOAEL = 171 mg/kg/day in males, 249 mg/kg/day infemales based on decreases in body weight and bodyweight gain for both sexes, proteinaceous plugs in theurinary bladder of males and increased severity ofprogressive nephropathy in females. No evidence of carcinogenicity
870.4300	Carcinogenicity mice	NOAEL = 16.6 mg/kg/day in males, 202.5 mg/kg/day in females LOAEL = 169.6 mg/kg/day in males, 407.3 mg/kg/day infemales based on significant decreased survival in males and females. No evidence of carcinogenicity
870.5265	Gene mutation	Non-mutagenic when tested yp to 5,000µg/plate, in presence and absence of activation, in*S.typhimurium* strains TA98, TA1000, TA1535 and TA1537and *E.coli* strain WP2uvra.
870.5300	Cytogenetics	Non-mutagenic at the HGPRT locus inChinese hamster (CH) lung V79 cells tested up to cytotoxicconcentrations or limit of solubility, in presence andabsence of activation.
870.5375	Chromosome aberration	Did not induce structural chromosomeaberration in CH lung V79 cell cultures in theabsence of activation, but did induce increased levels ofnumerical aberrations, in presence of activation.
870.5395	Micronucleus	Non-mutagenic in mouse bone marrowmicronucleus assay up to 200 mg/kg.
870.5550	Unscheduled DNA synthesis	There was no evidence that unschedulesDNA synthesis, as determined by radioactive tracerprocedures (nuclear silver grain counts) was induced in ratsexposed up to 2,000 mg/kg (limit dose).
870.7485	Metabolism and pharmacokinetics	Absorption was 46% in males and 82% infemales. Urinary excretion was the primary route ofelimination. Fecal excretion was greater in males thanfemales. The free acid and hydroxy free acid were theprincipal components detected in excreta.

B. Toxicological Endpoints

The dose at which no observed adverse effect level (NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR ISOXADIFEN-ETHYL FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for RiskAssessment	Study and Toxicological Effects
Acute dietaryfemales 13–50 years of age	NOAEL = 15 mg/kg/day UF = 100 Acute RfD = 0.15 mg/kg/day	FQPA SF = 3X aPAD = acute RfD ÷ FQPA SF = 0.05 mg/kg/day	Developmental toxicity - rat LOAEL = 120 mg/kg/daybased on increased incidence of bent scapula.
Chronic dietaryall populations	NOAEL = 3.3 mg/kg/day UF = 100 Chronic RfD = 0.033 mg/kg/day	FQPA SF = 1X cPAD = chronic RfD ÷ FQPA SF = 0.033 mg/kg/day	Subchronic toxicity (feeding) - dog;chronic toxicity (feeding) - dog LOAEL = 6.1 mg/kg/day based on fat deposits incollecting ducts of nephron (males).
Short-termdermal (1 to 7 days) (occupational)	Oral study NOAEL= 13.8 mg/kg/day (dermalabsorption rate = 14%)	LOC for MOE = 100 (occupational)	90–Day feeding study - rat LOAEL = 137.9 mg/kg/day based on decreased bodyweight and body weight gain after 8 days of exposure (males).
Intermediate-termdermal (1 week to several months) occupational)	Oral study NOAEL = 3.3 mg/kg/day (dermal absorption rate = 14%)	LOC for MOE = 100	Subchronic toxicity (feeding) - dog (co-critical); chronictoxicity (feeding) - dog LOAEL = 6.1 mg/kg/day based on fat deposits in collecting ducts of nephron (males).
Short-term inhalation(1 to 7 days) (occupational)	Oral study NOAEL=13.8 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100	90–Day feeding study - rat LOAEL = 137.9 mg/kg/daybased on decreased body weight and body weight gainafter 8 days of exposure (males).
Intermediate-terminhalation (1 week to several months) (occupational)	Oral study NOAEL = 3.3 mg/kg/day(inhalation absorption rate = 100%)	LOC for MOE = 100	Subchronic toxicity (feeding) - dogco-critical); chronic toxicity (feeding) - dog LOAEL = 6.1 mg/kg/day based on fat deposits incollecting ducts of nephron (males).
Cancer (oral, dermal, inhalation)	Cancer classification ("not likely")	Risk assessment not required.	No evidence of carcinogenicity

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* There are no permanent or time-limited tolerances for isoxadifen-ethyl. Tolerances are unnecessary for ruminant or poultry commodities at this time. Risk assessments were conducted by EPA to assess dietary exposures from isoxadifen-ethyl in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. The Dietary Exposure Evaluation Model (DEEM®) analysis evaluated in the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments. A copnservative acute analysis was performed using tolerance level residues, default processing factors, and assuming 100% of the crops were. No anticipated residues were used. In addition, to account for the lack of rotational crop data, a value of 0.25 ppm for soybean seed was used inthe DEEM® analysis along with maximum theoretical concentration factors for soybean meal (2.2X), hulls (11.3X), and oil (12.0X).

For acute dietary risk, the Agency's level of concern is > 100% aPAD. The acute dietary exposure estimate for the females 13–50 years old subgroup, at the 95th percentile of exposure, is 5% aPAD,

which is below the Agency's level of concern.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM® analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The chronic dietary exposure analysis made use of the same assumptions that went into the acute dietary previously described. For chronic dietary risk, the Agency's level of concern is >100% cPAD. Dietary exposure estimates for representative population subgroups are presented below:

TABLE 3.—SUMMARY OF RESULTS FROM CHRONIC DEEM ANALYSIS OF ISOXADIFEN-ETHYL

Subgroup	Exposure (mg/kg/day)	% cPAD
U.S. population (total)	0.001297	4
All infants (< 1–year old)	0.005080	15
Children 1–6 years old	0.002458	7
Children 7–12 years old	0.001952	6
Females 13–50 years old	0.001001	3
Males 13–19 years old	0.001483	5
Males 20+ years old	0.001035	3
Seniors 55+ years old	0.000854	3

The results of the chronic analysis indicate that for all population subgroups the estimated chronic dietary risk associated with the uses of isoxadifen-ethyl is below the Agency's level of concern.

iii. *Cancer.* After consideration of the Agency's "Proposed Guidelines for Carcinogen Risk Assessment (April 10, 1996)," EPA has classified isoxadifen-ethyl as "not likely to be a human carcinogen." This classification is based on the lack of evidence of carcinogenicity in mice and rats. Therefore, a cancer risk analysis is not necessary.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for isoxadifen-ethyl in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of isoxadifen-ethyl.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and Screening Concentrations in Ground Water (SCI-GROW), which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop (PC) area factor as an adjustment to account for the maximum PC coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to isoxadifen-ethyl they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models, the estimated environmental concentrations (EECs) of isoxadifen-ethyl for acute exposures are estimated to be 80 parts per billion (ppb) for surface water and 5 ppb for ground water. The EECs for chronic exposures are estimated to be 40 ppb for surface water and 5 ppb for ground water. It has been determined that the 56–day GENEEC model estimate would routinely overestimate drinking water residues by at least a factor of three. Therefore, the chronic exposure estimate for surface water (40 ppb) was divided by 3 in Table 5 below.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). There are no residential uses of isoxadifen-ethyl.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether isoxadifen-ethyl has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk

assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, isoxadifen-ethyl does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that isoxadifen-ethyl has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* Based in the available data, both quantitative and qualitative evidence of increased susceptibility was observed following *in utero* isoxadifen-ethyl exposure to rats. In the prenatal rat developmental toxicity study, the developmental toxicity NOAEL/LOAEL of 15/120 mg/kg/day occurs below level of the maternally toxic NOAEL/LOAEL of 120/1,000 mg/kg/day. This finding established the quantitative susceptibility for isoxadifen-ethyl. Additionally, the developmental effect observed (increased incidence of bent scapula) is considered more severe and permanent that the maternal effects of reduced body weight, body weight gain and food consumption. The finding established the qualitative susceptibility for isoxadifen-ethyl. However, there was no evidence of increased susceptibility in the rabbit prenatal toxicity study or following prenatal/postnatal exposure in the 2-generation reproduction study.

iii. *Conclusion.* EPA determined that the 10X safety factor would be reduced to 3X because the toxicology data base is complete; a developmental neurotoxicity study was not required; the dietary (food and drinking water) exposure assessments will not underestimate the potential exposures for infants and children; and there are currently no residential uses.

The FQPA safety factor for isoxadifen-ethyl is applicable to females 13–50 population subgroup for acute dietary risk assessment since there is concern for increased susceptibility of the young, as demonstrated in the prenatal developmental study in rats.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculatedDWLOCs, EPA concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which EPA has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* The acute dietary exposure analysis assumed tolerance level residues and 100% crop treated for all proposed commodities, in addition to estimating from possible contributions from soybeans based on the rotational crop use. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to isoxadifen-ethyl will occupy 5% of the aPAD for females 13 years and older. In addition, there is potential for acute dietary exposure to isoxadifen-ethyl in drinking water. The EECs for surface and ground water are less than the DWLOC. Thus, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO ISOXADIFEN-ETHYL

Population Subgroup	aPAD (mg/kg)	%aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
Females 13–50years old	0.050	5	80	5	14,000

2. *Chronic risk.* The chronic exposure analysis assumed tolerance level residues and 100% crop treated for all commodities, in addition to estimating from possible contributions from soybeans based on the rotational crop use. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to isoxadifen-ethyl from food will utilize 4% of the cPAD for the U.S. population, 15% of the cPAD for all infants and 7% of the cPAD for children 1–6 years old. There are no residential uses for isoxadifen-ethyl that result in

chronic residential exposure to isoxadifen-ethyl. In addition, there is potential for chronic dietary exposure to isoxadifen-ethyl in drinking water. The EECs for surface and ground water are less than the DWLOC. Thus, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in Table 5:

TABLE 5.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO ISOXADIFEN-ETHYL

Population Subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.033	4	13	5	1100
All infants (<1 year old)	0.033	15	13	5	280
Children (1–6 years old)	0.033	7	13	5	310
Children (7–12 years old)	0.033	6	13	5	310
Females (13–50 years old)	0.033	3	13	5	960
Males (13–19 years old)	0.033	5	13	5	1100
Males (20+ years old)	0.033	3	13	5	1100
Seniors (55+ years old)	0.033	3	13	5	1100

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Isoxadifen-ethyl is not registered for use on any sites that would result in residential exposure. Therefore, no short-term risk assessment was performed.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Isoxadifen-ethyl is not registered for use on any sites that would result in residential exposure. Therefore, no intermediate-term risk assessment was performed.

5. *Aggregate cancer risk for U.S. population.* The Agency has classified isoxadifen-ethyl as "not likely to be a carcinogen." Therefore, an aggregate cancer risk assessment was not performed.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to combined residues of isoxadifen-ethyl and its metabolites.

IV. Other Considerations

A. Analytical Enforcement Methodology

The petitioner proposed using a multiresidue method (MRM) for enforcement of tolerances of isoxadifen-ethyl residues and its metabolites on rice. Data were submitted pertaining to the behavior of isoxadifen-ethyl using FDA MRM protocols (PAM Vol 1). Residues of the parent compound were recovered from rice using Protocol E, Method 303. There were also quantitative recoveries of 4,5-dihydro-5,5-diphenyl-3-isoxazolecarboxylic acid (metabolite 1) using protocol B. No results concerning the behavior of metabolite β-hydroxy-β benezenepropanenitrile (metabolite 2) in rice using the multiresidue protocols were reported.

The petitioner also submitted an Independent Laboratory Validation (ILV) for the parent and metabolite 2 in rice grain, using gas chromatography with a mass-selective detector (GC/MSD). Validation of this method was successful.

At this time there is not one analytical method that can detect the parent and both metabolites in rice. However, if a situation should arise, then the Agency could perform both the MRM and the GC/MSD methods which would detect residues of isoxadifen-ethyl and both its metabolites in rice.

The Agency is requiring the petitioner to resubmit the analytical method and an ILV for the parent and both of the metabolites to satisfy the requirement for an enforcement analytical method. Following successful Agency validation of the MRM and the enforcement analytical methods, and review and evaluation of the other required data, the Agency will consider establishing permanent tolerances.

B. International Residue Limits

There are no CODEX, Canadian, or Mexican tolerances/MRLs for isoxadifen-ethyl residues.

C. Conditions

The following data are required to establish permanent tolerances for isoxadifen-ethyl: Confined/field accumulation in rotational crops study; rice processed commodity study; successful method validation of the analytical enforcement method; and adequate storage stability data. Additionally, as a condition of registration, rotational crops are limited to soybeans and there will be a 9–month plantback interval for isoxadifen-ethyl in rice agricultural commodities.

V. Conclusion

Therefore, the time-limited tolerances are established for combined residues of isoxadifen-ethyl, and its metabolites, in or on rice, grain; rice, straw; rice, hulls; and rice, bran at 0.10, 0.25, 0.50 and 0.80 ppm respectively.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new

section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301135 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before August 20, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301135, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have" substantial direct effects on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 11, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.570 is added to read as follows:

§ 180.570 Isoxadifen-ethyl; tolerances for residues.

(a) *General.* Tolerances to expire on June 21, 2004 are established for residues of isoxadifen-ethyl (ethyl 5,5-diphenyl-2-isoxazoline-3-carboxylate, CAS No. 163520–33–0) and its metabolites: 4,5-dihydro-5,5-diphenyl-3-isoxazolecarboxylic acid and β-hydroxy-β-benezenepropanenitrile when in the commodities listed below. This safener will be used only in conjunction with the active ingredient fenoxaprop-p-ethyl, at a rate of 0.17 pound of safener per pound of active ingredient.

Commodity	Parts per million	Expiration/Revocation Date
Rice, bran	0.80 ppm	June 21, 2004
Rice, grain	0.10 ppm	June 21, 2004
Rice, hulls	0.50 ppm	June 21, 2004
Rice, straw	0.25 ppm	June 21, 2004

(b) *Section 18 emergency exemptions.* [*Reserved*]

(c) *Tolerances with regional registrations.* [*Reserved*]

(d) *Indirect or inadvertent residues.* [*Reserved*]

[FR Doc. 01–15613 Filed 6–20–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301138; FRL–6787–7]

RIN 2070–AB78

Mesotrione; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues ofmesotrione, 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on field corn. Syngenta Crop Protection Inc. requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective June 21, 2001. Objections and requests for hearings, identified by docket control number OPP–301138, must be received by EPA on or before August 20, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control numberOPP–301138 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller,Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: 703-305-6224; and e-mail address: Miller.Joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply t certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations", "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_180/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301138. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of May 29, 1998 (63 FR 29401) (FRL–5791–2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP 8F4954) for tolerance by Zeneca Ag Products, 1800 Concord Pike, Wilmington, DE 19850–5458. This notice included a summary of the petition prepared by Zeneca Ag Products, the registrant. There were no comments received in response to the notice of filing. The petition was subsequently transferred to Syngenta Crop Protection Inc., 410 Swing Road, PO Box 18300, Greensboro, NC 27419–8300

The petition requested that 40 CFR part 180 be amended by establishing a tolerance for residues of the herbicide 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on the raw agricultural commodities field corn, field corn fodder and field corn forage at 0.01 part per million (ppm). EPA is editorially correcting the tolerances expression to read: field corn grain, field corn forage and field corn stover at 0.01 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of mesotrione, 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on field corn grain, field corn forage and field corn stover at 0.01 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by mesotrione are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90–Day oral toxicity rodents (rat)	NOAEL = 0.41/0.47 milligram (mg)/kilogram (kg)/day (males [M]/females [F]) LOAEL = 0.63/0.71 mg/kg/day (M/F), based upon corneal lesion in males

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.3100	90–Day oral toxicity rodents (rat)	NOAEL = 0.09/0.10 mg/kg/day (M/F) LOAEL = 11/13 mg/kg/day (M/F), based upon corneal abnormalities in both sexes and decreased body weight gain in males
870.3100	90–Day oral toxicity rodents (mouse)	NOAEL = 1212/1537 mg/kg/day (M/F) LOAEL greater than (>) 1212/1537 mg/kg/day (M/F). No effects noted
870.3150	90–Day oral toxicity in nonrodents (dog)	NOAEL = 1,000 mg/kg/day (M/F) LOAEL > 1,000 mg/kg/day (M/F) No effects noted
870.3200	21/28–Day dermal toxicity (rabbit)	NOAEL = 1,000 mg/kg/day (M/F) LOAEL > 1,000 mg/kg/day (M/F). No systemic effects noted
870.3700a	Prenatal developmental in rodents (rat)	Maternal NOAEL = 100 mg/kg/day LOAEL = 300 mg/kg/day, based upon decreased maternal body weight gains during treatment and decreased food consumption Developmental NOAEL was not established LOAEL = 100 mg/kg/day, based upon delays in skeletal ossification and changes in *manus/pes* ossification assessments
870.3700a	Prenatal developmental in rodents (mouse)	Maternal NOAEL = 600 mg/kg/day LOAEL >600 mg/kg/day; No effects noted Developmental NOAEL = 150 mg/kg/day LOAEL = 600 mg/kg/day, based upon decreased ossification of the cervical vertebrae centra
870.3800	Reproduction and fertility effects (rat)	Parental/Systemic NOAEL was not established LOAEL = 0.3 mg/kg/day (M/F), based upon significantly increased plasma tyrosine levels and increased liver weights in F2 males Offspring/Systemic NOAEL not established LOAEL = 0.3 mg/kg/day (M/F), based upon significantly increased plasma tyrosine levels in F2 male pups Reproductive NOAEL = 0.3 mg/kg/day LOAEL = 1.1/1.2 mg/kg/day (M/F), based upon decreased F2 mean litter size
870.3800	Reproduction and fertility effects (mouse)	Parental/Systemic NOAEL = 10.1/11.7 mg/kg/day (M/F) LOAEL = 71.4/82.5 mg/kg/day (M/F), based upon increased kidney weights and tyrosinemia in the and F1 males Offspring/Systemic NOAEL not established LOAEL = 2.1/2.4 mg/kg/day (M/F), based upon tyrosinemia and ocular discharge in the F1 and F2 offspring Reproductive NOAEL = 1455.5/1652.3 mg/kg/day (M/F) LOAEL > 1455.5/1652.3 mg/kg/day
870.4100a	Chronic toxicity rodents (mouse)	NOAEL = 56.2/72.4 mg/kg/day (M/F) LOAEL = 1114/1494.5 mg/kg/day (M/F), based upon decreases in body weight gain and food utilization in males
870.4100b	Chronic toxicity dogs	NOAEL was not established LOAEL = 10 mg/kg/day, based upon evidence of tyrosinemia in both sexes and increased incidence of erythrophagocytosis in the mesenteric lymph nodes of females
870.4300	Combined chronic toxicity/carcinogenicity rodents (rat)	NOAEL was not established NOAEL = 0.16/0.19 mg/kg/day (M/F) ocular lesions only] LOAEL = 0.16/0.19 mg/kg/day based kidney and liver weights or hepatocyte fat vacuolation in males LOAEL = 0.48/0.57 mg/kg/day (M/F), based upon ocular lesions, increases in kidney and liver weights, and hepatocyte fat vacuolation in females No evidence of carcinogenicity
870.4300	Carcinogenicity mice	NOAEL = 49.7/63.5 mg/kg/day (M/F)

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
		LOAEL = 898/1103 mg/kg/day (M/F), based upon decreased body weight, body weight gain, and food efficiency in males No evidence of carcinogenicity
870.5100	Gene Mutation reverse gene mutation assay in bacteria	There was no evidence of induced mutant colonies over background
870.5300	Gene Mutation *in vitro* forward gene mutation assay in mouse lymphoma cells	There were no treatment-related increases in mutant frequency in the presence or absence of S9 activation
870.5375	Cytogenetics *in vitro* mammalian cytogenetics assay	Not clastogenic with S9 activation and equivocal for clastogenic activity without S9 activation
870.5395	bone marrow micronucleus assay	There was no significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow after any treatment time.
870.6200a	Acute neurotoxicity screening battery	NOAEL = 2,000 mg/kg/day (M/F) LOAEL > 2,000 mg/kg/day (M/F) No effects noted
870.6200b	Subchronic neurotoxicity screening battery	NOAEL = 0.20/0.23 mg/kg/day (M/F) LOAEL = 8.25/9.29 mg/kg/day (M/F), based upon corneal opacities and/or vascularization of the cornea of the eye in males
870.7485	Metabolism rat	Mesotrione was readily absorbed and distributed in the body. Tissue distribution was about the same in both sexes, although one study showed higher residues in the kidneys in females, with the highest residues of the test compound in the liver and kidney. Higher doses resulted in higher residues in the liver and kidney, while repeated doses resulted in reduced accumulation of residues in all tissues. Levels of radioactivity in tissues of iv-dosed animals were essentially the same as in orally-dosed animals. Over 50% of the administered dose was excreted in the urine in both sexes and around 25% was excreted in the feces within 72 hours. Females exhibited slightly higher total urinary excretion than males, but total fecal excretion was about the same in both sexes. Increasing the dose or repeated doses had little effect on the pattern of excretion in both sexes. The overall pattern of excretion was similar between orally-dosed and iv-dosed rats. The metabolite profile was similar between the sexes in each group and between the single-dosed and repeated-dosed animals. The parent compound, mesotrione, was the major component identified in the urine (> 47%) and feces (> 55%). Minor metabolites identified were MNBA, AMBA, 5-hydroxymesotrione, and 4-hydroxymesotrione.
870.7485	Metabolism mouse	Metabolism in the mouse was very similar to the rat (above) except that males had slightly increased total fecal excretion when compared to females and, females in the low-dose group excreted higher (1.5x) levels of parent compound in the urine than males. Free mesotrione was the major component in the urine and feces (≥ 50% of the dose). Minor components in the fecal extracts included AMBA and MNBA.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences. A UF of 3 is used if no NOAEL was achieved in the toxicology study.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the

LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for mesotrione used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR MESOTRIONE FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary all populations	Not Applicable	Not Applicable	No appropriate study available.
Chronic Dietary all populations	LOAEL= 2.1 mg/kg/day; UF = 300 [10 x 3]; Chronic RfD = 0.007 mg/kg/day	FQPA SF = 10X; cPAD = chronic RfD/FQPA SF = 0.0007 mg/kg/day	Reproduction Study - mouse Offspring LOAEL = 2.1 mg/kg/day based upon tyrosinemia in F1 and F2a offspring and ocular discharge in F1 pups**.
Oral, Short-term (1-7 days) (Residential)	No residential uses. An endpoint was not proposed/selected.		
Oral, Intermediate-term (1 week - several months) (Residential)	No residential uses. An endpoint was not proposed/selected.		
Cancer (oral, dermal, inhalation)	not likely	Not Applicable	Acceptable oral rat and mouse carcinogenicity studies; no evidence of carcinogenic or mutagenic potential.

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

** Plasma tyrosine levels were increased in the rat, mouse and dog in the chronic and reproduction studies in which levels were measured. The ocular, liver and kidney effects are believed to be mediated by the high tyrosine levels in the blood caused by inhibition of the enzyme 4-hydroxyphenylpyruvate dioxygenase (HPPD). Even though the rat is the most sensitive species to this effect compared to the dog and the mouse, EPA concludes that the mouse is a more appropriate model for assessing human risk than is the rat.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* No tolerances have been previously established (40 CFR part 180) for residues of mesotrione in or on any variety of raw agricultural commodities. Risk assessments were conducted by EPA to assess dietary exposures from mesotrione in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. No appropriate study available show any acute dietary effects of concern.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: residue levels are at the recommended tolerances for field corn, and 100% of the crop field corn is treated with mesotrione. The %cPAD for the general U.S. population is 1.8% and for the most sensitive population subgroups, All Infants (< 1 year old), is 4.3%.

iii. *Cancer.* Acceptable oral rat and mouse carcinogenicity studies showed no evidence of carcinogenic or mutagenic potential.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for mesotrione in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of mesotrione.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in groundwater. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The

primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to mesotrione they are further discussed in the aggregate risk sections below.

Based on the GENEEC (Version 1.2) and SCI-GROW models the estimated environmental concentrations (EECs) of mesotrione for acute exposures are estimated to be 20 parts per billion (ppb) for surface water and 0.15 ppb for ground water. The EECs for chronic exposures are estimated to be 4.3 ppb for surface water and 0.15 ppb for ground water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Mesotrione is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether mesotrione has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, mesotrione does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that mesotrione has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity.* There is quantitative evidence of increased susceptibility demonstrated in the oral prenatal developmental toxicity studies in rats, mice, and rabbits. Delayed ossification was seen in the fetuses at doses below those at which maternal toxic effects were noted. Maternal toxic effects in the rat were decreased body weight gain during treatment and decreased food consumption and in the rabbit, abortions and GI effects.

2. *Conclusion.* The FQPA safety factor (10x) is retained in assessing the risk posed because there is quantitative evidence of increased susceptibility of the young exposed to mesotrione in the prenatal developmental toxicity studies in mice, rats, and rabbits and in the multi-generation reproduction study in mice, there is qualitative evidence of increased susceptibility of the young exposed to mesotrione in the multi-generation reproduction study in rats; and a Developmental Neurotoxicity Study is required to assess the effects of tyrosinemia on the developing nervous system exposed to mesotrione.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates drinking water level of comparison (DWLOCs) which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water [e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure)]. This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Acute doses and endpoints were not selected for the general U.S. population (including infants and children) or the females 13–50 years old population subgroup for mesotrione; therefore, an acute dietary exposure analysis was not performed.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to mesotrione from food will utilize 1.8% of the cPAD for the U.S. population, 4.3% of the cPAD for

All Infants (< 1 year old) and 4.2% of the cPAD for Children 1–6 years old. There are no residential uses for mesotrione that result in chronic residential exposure to mesotrione.

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO MESOTRIONE

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.0007	1.8	4.3	0.15	24
All infants (< 1 year old)	0.0007	4.3	4.3	0.15	6.7
Children (1–6 years old)	0.0007	4.2	4.3	0.15	6.7
Females (13–50 years old)	0.0007	1.4	4.3	0.15	21

Mesotrione is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

3. *Aggregate cancer risk for U.S. population.* Based on the lack of carcinogenic response in rats and mice and the lack of mutagenic effects, and that there are no data in the literature or SAR information to indicate carcinogenic potential, no cancer risk is posed.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to mesotrione residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (high pressure liquid chromatography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are no CODEX, Canadian, or Mexican tolerances/Maximum Residue Levels for mesotrione residues. Thus, harmonization is not an issue at this time.

C. Conditions

Conversion of the mesotrione registration to unconditional under section 3(c)(5) of Federal Insecticide and Fungicide Act (FIFRA) as amended may be considered upon submission of adequate storage stability data in the plant and livestock metabolism studies, revised interference study, developmental neurotoxicity study (DNT) in the mouse, and an 8 day inhalation study.

V. Conclusion

Therefore, the tolerance is established for residues of mesotrione, 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on the raw agricultural commodities field corn grain, field corn forage and field corn stover at 0.01 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301138 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before August 20, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of

the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301138, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule."

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements.

Dated: June 4, 2001.

Joseph Merenda,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Part 180 is amended by adding §180.571 to read as follows:

§ 180.571 Mesotrione; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide mesotrione, 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on the following commodities:

Commodity	Parts per million
Corn, field, forage	0.01
Corn, field, grain	0.01
Corn, field, stover	0.01

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 01–15614 Filed 6–20–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301136; FRL–6785–6]

RIN 2070–AB78

L-Glutamic Acid and Gamma Aminobutyric Acid; Exemptions from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of *L*-glutamic acid and gamma aminobutyric acid on all food commodities when applied/used in accordance with good agricultural practices. Emerald BioAgriculture Corporation submitted two petitions to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996, requesting exemptions from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *L*-glutamic acid and gamma aminobutyric acid.

DATES: This regulation is effective June 21, 2001. Objections and requests for hearings, identified by docket control number OPP–301136, must be received by EPA on or before August 20, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301136 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Carol E. Frazer, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8810; and e-mail address: frazer.carol@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180._00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301136. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of December 6, 2000 (65 FR 76241) (FRL–6748–9), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) announcing the filing of two pesticide tolerance petitions by Emerald BioAgriculture Corporation, 3125 Sovereign Drive, Suite B, Lansing, MI 48911–4240. This notice included a summary of the petitions prepared by the petitioner Emerald BioAgriculture Corporation. There were no comments

received in response to the notice of filing.

The petition requested that 40 CFR 180.1187 and 180.1188 be amended by establishing exemptions from the requirement of a tolerance for residues of *L*-glutamic acid and gamma aminobutyric acid.

III. Risk Assessment

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(c)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."Additionally, section 408(b)(2)(D) requires that the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

IV. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Supporting data for these sections were submitted with Pesticide Petitions PP 7F4842 and 7F4843 (65 FR 76241).

V. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food.* No differences in exposure are expected when compared to those described in PPs 7F4842 and 7F4843.

2. *Drinking water exposure.* No differences in exposure are expected when compared to those described in PPs 7F4842 and 7F4843.

B. Other Non-Occupational Exposure

No differences in exposure are expected when compared to those described in PPs 7F4842 and 7F4843.

VI. Cumulative Effects

No differences in exposure are expected when compared to those described in PPs 7F4842 and 7F4843.

VII. Determination of Safety for U.S. Population, Infants and Children

1. *U.S. population.* Based on its abundance in nature and long history of use by humans without deleterious effects, there is reasonable certainty that no harm will result from aggregate exposure to the U.S. population, including infants and children, to residues of *L*-glutamic and gamma aminobutyric acids. This includes all dietary exposure and all other exposures for which there is reliable information. This is a reasonable conclusion because the preponderance of data from open literature supporting the safe use of *L*-glutamic acid in foods, that GABA does not cross the blood-brain barrier, both chemicals are consumed daily by the human population from naturally occurring sources, and the supporting acute toxicity data on AuxiGro and inconsequential exposure resulting from its application to crops.

2. *Infants and children.* No differences in exposure are expected compared to those in PPs 7F4842 and 7F4843.

VIII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301136 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before August 20, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you

must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket number OPP–301136, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IX. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

X. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final

rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 31, 2001.

Kathleen Knox,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Sections 180.1187 and 180.1188 are revised to read as follows:

§ 180.1187 L-glutamic acid; exemption from the requirement of a tolerance.

L-glutamic acid is exempt from the requirement of a tolerance on all food commodities when used in accordance with good agricultural practices.

§ 180.1188 Gamma aminobutyric acid; exemption from the requirement of a tolerance.

Gamma aminobutyric acid is exempt from the requirement of a tolerance on all food commodities when used in accordance with good agricultural practices.

[FR Doc. 01–15615 Filed 6–20–01; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301013A; FRL–6786–5]

Pyridaben; Pesticide Tolerance Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA published a final rule in the **Federal Register** of July 14, 2000, that amended and established tolerances for pyridaben. The regulatory text of the document incorrectly amended the table in § 180.494(a) by adding an entry "citrus, crop group" at a tolerance level of 0.05 parts per million (ppm). The entry should have read "citrus" at a tolerance level of 0.5 ppm. This document corrects the error.

DATES: This technical correction is effective June 21, 2001.

FOR FURTHER INFORMATION CONTACT: Melody Banks; Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5413; e-mail address: banks.melody@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronicversion of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfr_00/Title_40/40cfr180_00. a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301013. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. What Does this Technical Correction Do?

Tolerances for pyridaben on various commodities were published in the **Federal Register** of July 14, 2000 (65 FR 43704) (FRL–6593–1). In that document, the regulatory text incorrectly amended § 180.494(a) by adding an entry "citrus, crop group" at a tolerance level of 0.05 ppm. The entry should have read "citrus" at a tolerance level of 0.5 ppm. This technical correction re-establishes the tolerance for "citrus" at 0.5 ppm and removes the entry for "citrus, crop group" under the table in § 180.494(a). The preamble of the final rule clearly stated that the tolerance level for citrus was to remain the same. (See Unit II. of the final rule.)

IV. Why is this Technical Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment, because EPA is merely re-establishing the tolerance level for pyridaben on

"citrus" that was inadvertently deleted and removing the tolerance for "citrus, crop group" that was inadvertently added in the **Federal Register** of July 14, 2000. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

V. Regulatory Assessment Requirements

This final rule implements a technical correction to the CFR, and it does not otherwise impose or amend any requirements. As such, the Office of Management and Budget (OMB) has determined that a technical correction is not a "significant regulatory action" subject to review by OMB under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Nor does this final rule contain any information collection requirements that require review and approval by OMB pursuant to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*).

Because this action is not economically significant as defined by section 3(f) of Executive Order 12866, this action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action will not result in environmental justice related issues and does not, therefore, require special consideration under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since the Agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the APA or any other statute (see Unit IV.), this action is not subject to provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA.

This final rule will not have substantial direct effects on the States or on one or more Indian tribes, on the relationship between the national government and the States or one or more Indian tribes, or on the distribution of power and responsibilities among the various levels of government or between the Federal government and Indian tribes. As such, this action does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000), or any "federalism implications" as described in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

This action does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

In issuing this final rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

EPA has complied with Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order.

For information about the applicability of the regulatory assessment requirements to the final rule that was issued on July 14, 2000 (64 FR 43704), please refer to the discussion in Unit VIII. of that document.

IV. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 11, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.494 is amended by deleting the entry for "citrus, crop group" and adding an entry for "citrus" to the table in paragraph (a) to read as follows:

§ 180.494 Pyridaben; tolerances for residues.

(a) * * *

Commodity	Parts per million	Revocation/expiration date
Citrus	0.5	None

* * * * *

[FR Doc. 01–15618 Filed 6–20–01; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6999–9]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of the Tomah Fairgrounds Landfill, Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region V is publishing a direct final notice of deletion of the Tomah Fairgrounds Landfill, Superfund Site (Site), located in Tomah, Wisconsin, from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Wisconsin, through the Wisconsin Department of Natural Resources because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate.

DATES: This direct final deletion will be effective August 20, 2001 unless EPA receives adverse comments by July 23, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Comments may be mailed to: David Linnear, Remedial Project Manager (RPM) at (312) 886–6104, Linnear.David@EPA.Gov or Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253, *Beard.Gladys@EPA.Gov,* (mail code: SR–6J), U.S. EPA Region V, 77 W. Jackson, Chicago, IL 60604 or at 1–800–621–8431.

Information Repositories: Comprehensive information about the Site is available for viewing and copying at the Site information repositories located at: U.S. EPA Region V Library, 77 W. Jackson, Chicago, IL 60604, (312) 353–5821, Monday through Friday 8:00 a.m. to 4:00 p.m.; Tomah Public Library, 716 Superior Ave., Tomah, WI 54660, Monday through Thursday 9:00 a.m. to 8:00 p.m. and Friday and Saturday 9:00 a.m to 5:00 p.m.; Wisconsin Department of Natural Resources, 101 S. Webster Street, Madison, Wisconsin, (608) 266–2111, Monday through Friday 7:45 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: David Linnear, Remedial Project Manager at (312) 886–6104, *Linnear.David@EPA.Gov* or Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253, Beard.Gladys@EPA.Gov or 1–800–621–8431, (SR–6J), U.S. EPA Region V, 77 W. Jackson, Chicago, IL 60604.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region V is publishing this direct final notice of deletion of the Tomah Fairgrounds Landfill, Superfund Site from the NPL.

The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in 300.425(e)(3) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), sites from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective August 20, 2001 unless EPA receives adverse comments by July 23, 2001 on this document. If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely withdrawal of this direct final deletion before the effective date of the deletion and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Tomah Fairgrounds Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed (Hazardous Substance Superfund Response Trust Fund) response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the deleted site above levels that allow for unlimited use and unrestricted exposure, CERCLA section 121(c), 42 U.S.C. 9621(c), requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the deleted site to ensure that the action remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) The EPA consulted with Wisconsin on the deletion of the Site from the NPL prior to developing this direct final notice of deletion.

(2) Wisconsin concurred with deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final notice of deletion, a notice of the availability of the parallel notice of intent to delete published today in the "Proposed Rules" section of the **Federal Register** is being published in a major local newspaper of general circulation at or near the Site

and is being distributed to appropriate federal, state, and local government officials and other interested parties; the newspaper notice announces the 30-day public comment period concerning the notice of intent to delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the deletion in the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this document. EPA will publish a timely notice of withdrawal of this direct final notice of deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis For Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Location

The Tomah Fairgrounds Landfill Site (Site) covers approximately 15 acres within the boundaries of the 37.5-acre fairgrounds, in Tomah, Monroe County, Wisconsin. The Site is situated at the south edge of town and is a grass-covered open field that is used as a parking lot during fairground events. Land uses to the west are agricultural, to the east, commercial/industrial and to the north and south, residential.

Site History

The Site was used and operated by the City of Tomah as a disposal site from 1955 until 1960. Waste disposal methods consisted of excavating 6 to 8 feet of soil, land filling waste materials, placing a cover consisting of previously excavated topsoil and final grading. Some material disposed of in the landfill may have been burned before it was buried. No disposal records regarding the types or quantities of material buried were maintained.

In 1984, U.S. EPA's Field Investigation Team, with the assistance of the Wisconsin Department of Natural Resources, conducted a preliminary assessment of the Site. The assessment raised concerns about the possible effects of disposal directly into an aquifer and the potential for direct contact with hazardous substances because of erosion of the landfill cap. EPA added the site to the National Priorities List on July 21, 1987.

In September, 1996, the City of Tomah signed an agreement with the Wisconsin Department of Natural Resources under which the City agreed to monitor groundwater for at least 10 years in order to evaluate the progress of natural attenuation; and to maintain zoning and deed restrictions so as to restrict the use of ground water and preclude residential use of the land at the Site.

Remedial Invesigation (RI)

EPA conducted a remedial investigation of the site in two phases. Phase 1 took place in 1993. It collected ground water and soil samples in order to characterize the nature and extent of contamination and associated exposure risks. The results of this sampling indicated that additional samples were needed to adequately characterize the site. Accordingly, EPA moved on to Phase 2 of the RI in 1995. Field investigations for the Phase 2 RI included sampling of surface soils on and off the landfill and installation of monitoring wells for sampling groundwater. The results of surface soil sampling showed no contaminants in excess of Wisconsin standards, except for one sample showing a lead level higher than the state standard. Results of groundwater sampling showed an exceedance of the maximum contaminant level for vinyl chloride in one deep well. There were also exceedances of the maximum contaminant levels for arsenic, chromium, and lead, but only in unfiltered samples, indicating that the elevated metal concentrations were on the suspended solid fraction of the samples rather than dissolved in the water.

Characterization of Risk

EPA used the data collected during the RI to assess human health risks. Under the assumption that the site would continue to be used for recreational purposes, and not for residential development, and that groundwater would not be tapped for drinking water, EPA found no risks in excess of federal standards.

Record of Decision Findings

On September 26, 1996, the Regional Administrator signed a Record of Decision (ROD), selecting a remedy for the Tomah Fairgrounds Site. The ROD determined that "No Further Action" was appropriate due to deed restrictions limiting land use and an agreement between the WDNR and the City of Tomah requiring the City to monitor ground water to evaluate the progress of natural attenuation.

Monitoring Results To Date

The following tables present monitoring results for vinyl chloride, the primary contaminant of concern detected above federal standards in ground water at the Tomah Fairgrounds Site. (The MCL for vinyl chloride is 2 ug/l.) The monitoring results reported here include results from EPA's Remedial Investigation and from the City of Tomah's periodic sampling. No exceedances of the MCL have occurred since 1995.

MONITORING WELL RESULTS FOR VINYL CHLORIDE

[ug/l]

	MW1	M/W2	MW3	MW4SS	MW4D
8/18/95	<0.50 ..	<0.50 ..	<0.50 ..	<0.50 ..	6.0
9/20/95	<0.50 ..	<0.50 ..	<0.50 ..	<0.50 ..	9.0
1/09/97	. .....	. .....	. .....	. .....	0.90
7/01/97	<0.20 ..	<0.20 ..	<0.20 ..	<0.20 ..	0.32
12/31/97	. .....	. .....	. .....	. .....	<0.23
6/24/98	<0.20 ..	<0.20 ..	<0.20 ..	<0.20 ..	<0.20

	MW1	M/W2	MW3	MW4S S	MW4D
12/14/98	. .....	. .....	. .....	. .....	<0.20
6/04/99	<0.20 ..	<0.20 ..	<0.20 ..	<0.20 ..	<0.201
12/21/99	. .....	. .....	. .....	. .....	<0.20
6/29/00	<0.19 ..	. .....	. .....	<0.19 ..	<0.19
8/2/00	. .....	<0.19 ..	<0.19 ..	. .....	.

PRIVATE WELL RESULTS FOR VINYL CHLORIDE

[ug/l]

	DANA	RANDAL L	SAMPSO N	SCHAPPE
8/19/91	<1.00 ..	<1.00	<1.00	
2/10/92	<0.50 ..	<0.50	. .....	<0.50
7/12/93	<1.00 ..	<1.00	<1.00	.
6/29/00	<0.12 ..	<0.12	. .....	<0.12
8/15/00	. .....	. .....	<0.15	.

Five-Year Review

Because hazardous substances will remain at the site, EPA committed itself in the Record of Decision to conduct a review of the "no further action" remedy at least every five years. These reviews will be conducted pursuant to CERCLA 121 (c) and as provided in the current guidance on Five Year Reviews: OSWER Directive 9355.7–02, Structure and Components of Five-Year Reviews, May 23, 1991; OSWER Directive 9355.7–02A, Supplemental Five-Year Review Guidance, July 26, 1994, the Second Supplemental Five-Year Review Guidance, December 21, 1995, or other EPA guidance current at the time of the review. The first Five-Year Review will be completed by September 30, 2001.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the State of Wisconsin, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, other than five-year reviews, are necessary. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective August 20, 2001 unless EPA receives adverse comments by July 23, 2001. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect and, EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 12, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p.193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended under Wisconsin "WI" by removing the entry for "Tomah Fairgrounds".

[FR Doc. 01–15479 Filed 6–20–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286; FCC 01–162]

Jurisdictional Separations Reform and Referral to the Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts rules to implement a five-year interim "freeze" of the jurisdictional separations process in order to simplify and stabilize the separations process pending more comprehensive separations reform. This action is based upon a Recommended Decision issued in July 2000 by the Federal-State Joint Board on Jurisdictional Separations.

DATES: Effective June 21, 2001 except for § 36.3(b), which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of that section.

FOR FURTHER INFORMATION CONTACT: Eric Einhorn or Andrew Firth, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in CC Docket No. 80–286 released on May 21, 2001. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC, 20554.

I. Introduction

1. Jurisdictional separations is the process by which incumbent local exchange carriers (ILECs) apportion regulated costs between the intrastate and interstate jurisdictions. The first step in the separations process requires carriers to assign regulated costs to various categories of plant and expenses. In the second step, the costs are apportioned between the intrastate and interstate jurisdictions. These jurisdictional allocations are based upon either a relative-use factor, a fixed allocator, or when specifically allowed in the part 36 rules, by direct assignment.

2. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warranted comprehensive reform of the separations process. Jurisdictional Separations Reform and Referral to the Federal-State Joint Board, Notice of Proposed Rulemaking, CC Docket No. 80–286, 62 FR 59842, November 5, 1997 (NPRM). In the NPRM, the Commission noted that modern network structures are vastly different than the structure used to define the part 36 cost categories, and that the separations process codified in the current part 36 rules was developed at a time when common carrier regulation presumed that interstate and intrastate telecommunications service must be provided through a regulated monopoly.

3. In this Report and Order, we adopt rules based on a July 2000 Recommended Decision of the Federal-State Joint Board (Joint Board) on Jurisdictional Separations, 15 FCC Rcd 13160, FCC 00J–2, CC Docket No. 80–286 (released July 21, 2000). The Commission sought public comment on this Recommended Decision. See "Comment Sought on Recommended Decision Issued by Federal-State Joint Board on Jurisdictional Separations," Public Notice, CC Docket No. 80–286, DA No. 00–2433, 65 FR 67320, November 9, 2000. In its Recommended Decision, the Joint Board recommended that the Commission adopt an interim "freeze" of the jurisdictional separations process codified at part 36 of the Commission's rules, 47 CFR 36 *et seq.*, as a means to simplify and stabilize the separations process pending more comprehensive reform. Specifically, pending further reform, the Commission adopts a five-year freeze of all part 36 category relationships and jurisdictional allocation factors for price cap incumbent local exchange carriers (ILECs), and a freeze of all allocation factors for rate-of-return ILECs. The interim freeze shall be in effect from July 1, 2001 until June 30, 2006, or until the Commission completes comprehensive separations reform, whichever comes first. We believe that these measures will bring simplification and regulatory certainty to the separations process in a time of rapid market and technology changes, until comprehensive reform is completed.

II. Executive Summary

4. In this Report and Order, we adopt rules that do the following:

- Impose a five-year interim freeze of the part 36 category relationships and jurisdictional allocation factors for price cap carriers, and the jurisdictional allocation factors only for rate-of-return carriers. Rate-of-return carriers, however, will be able to elect to freeze their category relationships at the outset of the freeze. The frozen category relationships and allocation factors will be based on data from the carriers' calendar-year 2000 separations studies. The interim freeze will be in effect from July 1, 2001 to June 30, 2006, or until the Commission has completed comprehensive reform of the part 36 separations process, whichever comes first.
- With limited exceptions for the sale and transfer of telephone exchanges, no adjustments to the frozen category relationships and allocation factors will be allowed during the freeze.
- The Report and Order does not adopt the Joint Board's recommendation to reduce local dial equipment minutes (DEM) at the outset of the freeze to compensate for the impact of the Internet on local calling patterns, because we do not believe that the record allows us to quantify with any degree of accuracy the impact of the Internet on a nationwide basis.
- Approximately two years after the implementation of the interim freeze, the Commission will seek comment on the impact of the freeze, including specific comment on the Internet-bound traffic issue. Comprehensive review of the separations process will continue during the interim freeze, and the Commission will work with the Joint Board to address certain specific issues outlined in the Joint Board's Recommended Decision.
- The ARMIS 43–04 report, which is used by incumbent LECs subject to ARMIS reporting requirements to report separations results, will be streamlined to simplify carrier reporting and reduce administrative burdens. The Common Carrier Bureau shall seek public comment on the content of the proposed streamlined ARMIS 43–04 report. This will provide interested parties, including the states, the opportunity to provide feedback on which specific accounts are needed to evaluate the freeze and consider further separations reform. The Commission will adopt specific reporting requirements for ARMIS 43–04 in a subsequent order.

V. Procedural Matters

A. Effective Date

5. We conclude that the effective date of the rules promulgated in this Report and Order shall be the June 20, 2001 except for § 36.3(b), which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of that section. Although the Administrative Procedure Act normally requires 30 days notice before rules become effective, the Commission, for good cause, may make rules effective with less than 30 days notice. We find such good cause based on the July 1, 2001 start of the new tariff year.

B. Paperwork Reduction Act

6. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 (PRA) and found to impose new or modified reporting and/or recordkeeping requirements or burdens on the public. Implementation of these new or modified reporting and/or recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date.

C. Final Regulatory Flexibility Analysis

7. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an RFA analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Section 121.201

of the Small Business Administration regulations defines a small telecommunications entity in SIC code 4813 (Telephone Companies Except Radio Telephone) as any entity with 1,500 or fewer employees at the holding company level. As we described in the previous IRFA analysis in this proceeding, we recognize that proposals such as a freeze of the part 36 separations process will affect all incumbent local exchange carriers providing interstate services, including some entities employing 1500 or fewer employees at the holding company level.

8. In the instant Report and Order, we amend part 36 of our rules to adopt a variation of the freeze proposals set forth in the NPRM. Specifically, the Commission adopts a five-year freeze of the part 36 category relationships and allocation factors for price cap carriers and a freeze of the allocation factors only for rate-of-return carriers. The objectives of the modified rules adopted in this Report and Order are to freeze the separations process in order to ease the administrative burden of regulatory compliance and to provide greater regulatory certainty for all local exchange carriers subject to the Commission's part 36 rules, including small incumbent local exchange carriers (ILECs). For the reasons described, we certify, pursuant to the RFA, that the rules adopted in this Report and Order will not have a significant economic impact on a substantial number of small entities. The interim freeze will eliminate the need for all ILECs, including ILECs with 1500 employees or fewer, to complete certain annual studies formerly required by the Commission's rules; if this action can be said to have any affect under the RFA, it is to reduce a regulatory compliance burden for small ILECs by eliminating the aforementioned separations studies and providing these carriers with greater regulatory certainty.

9. We note that we specifically considered the impact of the freeze on small ILECs (in general, rate-of-return carriers) in this Report and Order and provided them with the option to freeze their category relationships at the onset of the freeze. We recognized that some small ILECs may be harmed if subject to a categories freeze, as it may reduce their ability to recover investment and receive sufficient universal service support, while other small ILECs may benefit from the added regulatory simplification and stability provided by a categories freeze. Our action, therefore, either retains the status quo for small ILECs choosing to freeze their category relationships, or results in less regulatory burden for those opting for the categories freeze. Furthermore, we have committed to addressing the impact of Internet traffic on the separations results of all carriers, including small ILECs, in the context of the Commission's comprehensive separations reform, as we do not believe carriers are harmed by the current separations treatment of Internet traffic and will not be harmed as a result of the freeze.

10. The Commission will send a copy of this Report and Order, including this final certification, in a report to Congress pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Report and Order and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**. *See* 5 U.S.C. 605(b).

V. Ordering Clauses

11. Pursuant to sections 1, 2, 4, 201–205, 215, 218, 220, 229, 254, and 410 of the Communications Act of 1934, as amended, that the amendments to part 36 of the Commission's rules, 47 CFR Part 36, as described in this Report and Order are adopted.

12. Part 36 of the Commission's rules, 47 CFR part 36, is amended as set forth, effective June 21, 2001 except for § 36.3(b), which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of that section.

List of Subjects 47 CFR Part 36

Jurisdictional separations, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 36 as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

1. The authority citation for part 36 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i) and (j), 205, 221(c), 254, 403 and 410.

Subpart A—General

2. Add § 36.3 to subpart A to read as follows:

§ 36.3 Freezing of jurisdictional separations category relationships and/or allocation factors.

(a) Effective July 1, 2001, through June 30, 2006, all local exchange carriers subject to part 36 rules shall apportion costs to the jurisdictions using their study area and/or exchange specific jurisdictional allocation factors calculated during the twelve month period ending December 31, 2000, for each of the categories/sub-categories as specified herein. Direct assignment of private line service costs between jurisdictions shall be updated annually. Other direct assignment of investment, expenses, revenues or taxes between jurisdictions shall be updated annually. Local exchange carriers that invest in telecommunications plant categories during the period July 1, 2001, through June 30, 2006, for which it had no separations allocation factors for the twelve month period ending December 31, 2000, shall apportion that investment among the jurisdictions in accordance with the separations procedures in effect as of December 31, 2000 for the duration of the freeze.

(b) Effective July 1, 2001, through June 30, 2006, local exchange carriers subject to price cap regulation, pursuant to § 61.41, shall assign costs from the part 32 accounts to the separations categories/sub-categories, as specified herein, based on the percentage relationships of the categorized/sub-categorized costs to their associated part 32 accounts for the twelve month period ending December 31, 2000. If a part 32 account for separations purposes is categorized into more than one category, the percentage relationship among the categories shall be utilized as well. Local exchange carriers that invest in types of telecommunications plant during the period July 1, 2001, through June 30, 2006, for which it had no separations category investment for the twelve month period ending December 31, 2000, shall assign such investment to separations categories in accordance with the separations procedures in effect as of December 31, 2000. Local exchange carriers not subject to price cap regulation, pursuant to § 61.41 of this chapter, may elect to be subject to the provisions of § 36.3(b). Such election must be made prior to July 1, 2001. Local exchange carriers electing to become subject to § 36.3(b) shall not be eligible to withdraw from such

regulation for the duration of the freeze. Local exchange carriers participating in Association tariffs, pursuant to § 69.601 of this chapter et seq., shall notify the Association prior to July 1, 2001, of such intent to be subject to the provisions of § 36.3(b). Local exchange carriers not participating in Association tariffs shall notify the Commission prior to July 1, 2001, of such intent to be subject to the provisions of § 36.3(b).

(c) Effective July 1, 2001, through June 30, 2006, any local exchange carrier that sells or otherwise transfers exchanges, or parts thereof, to another carrier's study area shall continue to utilize the factors and, if applicable, category relationships as specified in §§ 36.3(a) and (b).

(d) Effective July 1, 2001, through June 30, 2006, any local exchange carrier that buys or otherwise acquires exchanges or part thereof, shall calculate new, composite factors and, if applicable, category relationships based on a weighted average of both the seller's and purchaser's factors and category relationships calculated pursuant to §§ 36.3(a) and 36.3(b). This weighted average should be based on the number of access lines currently being served by the acquiring carrier and the number of access lines in the acquired exchanges.

(1) To compute the composite allocation factors and, if applicable, the composite category percentage relationships of the acquiring company, the acquiring carrier shall first sum its existing (pre-purchase) access lines (A) with the total access lines acquired from selling company (B). Then, multiply its factors and category relationship percentages by (A/(A+B)) and those of the selling company by (B/(A+B)) and sum the results.

(2) For carriers subject to a freeze of category relationships, the acquiring carrier should remove all categories of investment from the selling carrier's list of frozen category relationships where no such category investment exists within the sold exchange(s). The seller's remaining category relationships must then be increased proportionately to total 100 percent. Then, the adjusted seller's category relationships must be combined with those of the acquiring carrier as specified in § 36.3(d)(1) to determine the category relationships for the acquiring carrier's post-transfer study area.

(e) Any local exchange carrier study area converting from average schedule company status, as defined in § 69.605(c) of this chapter, to cost company status during the period July 1, 2001, through June 30, 2006, shall, for the first twelve months subsequent to conversion categorize the telecommunications plant and expenses and develop separations allocation factors in accordance with the separations procedures in effect as of December 31, 2000. Effective July 1, 2001 through June 30, 2006, such companies shall utilize the separations allocation factors and account categorization subject to the requirements of §§ 36.3(a) and (b) based on the category relationships and allocation factors for the twelve months subsequent to the conversion to cost company status.

3. Amend § 36.123 by adding paragraphs (a)(5) and (a)(6) to read as follows:

§ 36.123 Operator systems equipment—Category 1.

(a) * * *

(5) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balance of Account 2220, Operator Systems, to the categories/subcategories, as specified in § 36.123(a)(1), based on the relative percentage assignment of the average balance of Account 2220 to these categories/subcategories during the twelve month period ending December 31, 2000.

(6) Effective July 1, 2001 through June 30, 2006, all study areas shall apportion the costs assigned to the categories/subcategories, as specified in § 36.123(a)(1), among the jurisdictions using the relative use measurements for the twelve month period ending December 31, 2000 for each of the categories/subcategories specified in §§ 36.123 (b) through 36.123(e).

* * * * *

4. Amend § 36.124 by adding paragraphs (c) and (d) to read as follows:

§ 36.124 Tandem switching equipment—Category 2.

* * * * *

(c) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balances of Accounts 2210, 2211, 2212 and 2215, to the Category 2, Tandem Switching Equipment based on the relative percentage assignment of the average balances of Account 2210, 2211, 2212 and 2215 to Category 2, Tandem Switching Equipment during the twelve month period ending December 31, 2000.

(d) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion costs in Category 2, Tandem Switching Equipment, among the jurisdictions using the relative number of study area minutes of use, as specified in § 36.124(b), for the twelve month period ending December 31, 2000. Direct assignment of any subcategory of Category 2 Tandem Switching Equipment between jurisdictions shall be updated annually.

5. Amend § 36.125 by adding paragraphs (h), (i), and (j) to read as follows:

§ 36.125 Local switching equipment—Category 3.

* * * * *

(h) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balances of Accounts 2210, 2211, 2212, and 2215 to Category 3, Local Switching Equipment, based on the relative percentage assignment of the average balances of Account 2210, 2211, 2212 and 2215 to Category 3, during the twelve month period ending December 31, 2000.

(i) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion costs in Category 3, Local Switching Equipment, among the jurisdictions using relative dial equipment minutes of use for the twelve month period ending December 31, 2000.

(j) If during the period from January 1, 1997, through June 30, 2006, the number of a study area's access lines increased or will increase such that, under § 36.125(f) the weighting factor would be reduced, that lower weighting factor shall be applied to the study area's 1996 unweighted interstate DEM factor to derive a new local switching support factor. The study area will restate its Category 3, Local Switching Equipment factor under § 36.125(f) and use that factor for the duration of the freeze period.

6. Amend § 36.126 by adding paragraphs (b)(5), (c)(4), (e)(4), (f)(1)(ii), and (f)(2) to read as follows:

§ 36.126 Circuit equipment—Category 4.

* * * * *

(b) * * *

(5) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41, shall assign the average balances of Accounts 2230 through 2232 to the categories/subcategories as specified in §§ 36.126(b)(1) through (b)(4) based on the relative percentage assignment of the average balances of Accounts 2230 through 2232 costs to these categories/subcategories during the twelve month period ending December 31, 2000.

(c) * * *

(4) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion costs in the categories/subcategories, as specified in §§ 36.126(b)(1) through (b)(4), among the jurisdictions using the relative use measurements or factors, as specified in §§ 36.126(c)(1) through (c)(3) for the twelve month period ending December 31, 2000. Direct assignment of any subcategory of Category 4.1 Exchange Circuit Equipment to the jurisdictions shall be updated annually.

* * * * *

(e) * * *

(4) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion costs in the categories/subcategories specified in §§ 36.126(e)(1) through (e)(3) among the jurisdictions using relative use measurements or factors, as specified in §§ 36.126(e)(1) through (e)(3) for the twelve month period ending December 31, 2000. Direct assignment of any subcategory of Category 4.2 Interexchange Circuit Equipment to the jurisdictions shall be updated annually.

(f) * * *

(ii) [Reserved]

(2) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion costs in the subcategory specified in § 36.126(f)(1) among the jurisdictions using the allocation factor, as specified in § 36.126(f)(1)(i), for this subcategory for the twelve month period ending December 31, 2000. Direct assignment of any Category 4.3 Host/Remote Message Circuit Equipment to the jurisdictions shall be updated annually.

7. Amend § 36.141 by adding paragraph (c) to read as follows:

§ 36.141 General.

* * * * *

(c) Effective July 1, 2001, through June 30, 2006, local exchange carriers subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balance of Account 2310 to the categories, as specified in § 36.141(b), based on the relative percentage assignment of the average balance of Account 2310 to these categories during the twelve month period ending December 31, 2000.

8. Amend § 36.142 by adding paragraph (c) to read as follows:

§ 36.142 Categories and apportionment procedures.

* * * * *

(c) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion costs in the categories, as specified in § 36.141(b), among the jurisdictions using the relative use measurements or factors, as specified in § 36.142(a), for the twelve month period ending December 31, 2000. Direct assignment of any category of Information Origination/Termination Equipment to the jurisdictions shall be updated annually.

9. Amend § 36.152 by adding paragraph (d) to read as follows:

§ 36.152 Categories of Cable and Wire Facilities (C&WF).

* * * * *

(d) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41, shall assign the average balance of Account 2410 to the categories/subcategories, as specified in §§ 36.152(a) through (c), based on the relative percentage assignment of the average balance of Account 2410 to these categories/subcategories during the twelve month period ending December 31, 2000.

10. Amend § 36.154 by adding paragraph (g) to read as follows:

§ 36.154 Exchange Line Cable and Wire Facilities (C&WF)—Category 1—apportionment.

* * * * *

(g) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion Subcategory 1.3 Exchange Line C&WF among the jurisdictions as specified in § 36.154(c). Direct assignment of subcategory Categories 1.1 and 1.2 Exchange Line C&WF to the jurisdictions shall be updated annually as specified in § 36.154(b).

11. Amend § 36.155 by adding paragraph (b) to read as follows:

§ 36.155 Wideband and exchange trunk C&WF—Category 2—apportionment procedures.

* * * * *

(b) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion Category 2 Wideband and exchange trunk C&WF among the jurisdictions using the relative number of minutes of use, as specified in § 36.155(a), for the twelve-month period ending December 31, 2000. Direct assignment of any Category 2 equipment to the jurisdictions shall be updated annually.

12. Amend § 36.156 by adding paragraph (c) to read as follows:

§ 36.156 Interexchange Cable and Wire Facilities (C&WF)—Category 3—apportionment procedures.

* * * * *

(c) Effective July 1, 2001, through June 30, 2006, all study areas shall directly assign Category 3 Interexchange Cable and Wire Facilities C&WF where feasible. All study areas shall apportion the non-directly assigned costs in Category 3 equipment to the jurisdictions using the relative use measurements, as specified in § 36.156 (b), during the twelve-month period ending December 31, 2000.

13. Amend § 36.157 by adding paragraph (b) to read as follows:

§ 36.157 Host/Remote message Cable and Wire Facilities (C&WF)—Category 4—apportionment procedures.

* * * * *

(b) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion Category 4 Host/Remote message Cable and Wire Facilities C&WF among the jurisdictions using the relative number of study area minutes-of-use kilometers applicable to such facilities, as specified in § 36.157(a)(1), for the twelve month period ending December 31, 2000. Direct assignment of any Category 4 equipment to the jurisdictions shall be updated annually.

14. Amend § 36.191 by adding paragraph (d) to read as follows:

§ 36.191 Equal access equipment.

* * * * *

(d) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion Equal Access Equipment, as specified in § 36.191(a), among the jurisdictions using the relative state and interstate equal access traffic, as specified in § 36.191(c), for the twelve month period ending December 31, 2000.

15. Amend § 36.212 by adding a sentence at the end of paragraph (c) to read as follows:

§ 36.212 Basic local services revenue—Account 5000.

* * * * *

(c) * * * Effective July 1, 2001, through June 30, 2006, all study areas shall apportion Wideband Message Service and TWX revenues among the jurisdictions using the relative number of TWX minutes of use for the twelve-month period ending December 31, 2000.

* * * * *

16. Amend § 36.214 by adding a sentence at the end of paragraph (a) to read as follows:

§ 36.214 Long distance message revenue—Account 5100.141.

(a) * * * Effective July 1, 2001 through June 30, 2006, all study areas shall apportion Wideband Message Service and TWX revenues among the jurisdictions using the relative number of TWX minutes of use for the twelve-

month period ending December 31, 2000.

* * * * *

17. Amend § 36.372 by removing the paragraph designation and by adding a sentence at the end of the section to read as follows:

§ 36.372 Marketing—Account 6610.

(a) * * * Effective July 1, 2001 through June 30, 2006, all study areas shall apportion expenses in this account among the jurisdictions using the analysis, as specified in § 36.372(a), during the twelve-month period ending December 31, 2000.

18. Amend § 36.374 by revising paragraph (b) and by adding paragraphs (c) and (d) to read as follows:

§ 36.374 Telephone operator expenses.

* * * * *

(b) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the Telephone operator expense classification based on the relative percentage assignment of the balance of Account 6620 to this classification during the twelve month period ending December 31, 2000.

(c) Expenses in this classification are apportioned among the operations on the basis of the relative number of weighted standard work seconds as determined by analysis and study for a representative period.

(d) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion Telephone operator expenses among the jurisdictions using the relative number of weighted standard work seconds, as specified in § 36.374(c), during the twelve-month period ending December 31, 2000.

19. Amend § 36.375 by adding paragraphs (b)(5) and (b)(6) to read as follows:

§ 36.375 Published directory listing.

* * * * *

(b) * * *

(5) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41, shall assign the balance of Account 6620-Services to the classifications, as specified in §§ 36.375(b)(1) through 36.375(b)(4), based on the relative percentage assignment of the balance of Account 6620 to these classifications during the twelve month period ending December 31, 2000.

(6) Effective July 1, 2001 through June 30, 2006, all study areas shall apportion Published directory listing expenses using the underlying relative use measurements, as specified in §§ 36.375(b)(1) through 36.375(b)(4), during the twelve-month period ending December 31, 2000. Direct assignment of any Publishing directory listing expense to the jurisdictions shall be updated annually.

20. Amend § 36.377 by revising paragraph (a) introductory text and by adding paragraphs (a)(1)(ix), (a)(2)(vii), (a)(3)(vii), (a)(4)(vii), (a)(5)(vii), (a)(6)(vii), (a)(7)(i), and (a)(7)(ii) to read as follows:

§ 36.377 Category 1—Local business office expense.

(a) The expense in this category for the area under study is first segregated on the basis of an analysis of job functions into the following subcategories: End user service order processing; end user payment and collection; end user billing inquiry; interexchange carrier service order processing; interexchange carrier payment and collection; interexchange carrier billing inquiry; and coin collection and administration. Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the subcategories, as specified in § 36.377(a), based on the relative percentage assignment of the balance of Account 6620 to these categories/subcategories during the twelve month period ending December 31, 2000.

(1) * * *

(ix) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the categories/subcategories, as specified in §§ 36.377(a)(1)(i) through 36.77(a)(1)(viii), based on the relative percentage assignment of the balance of Account 6620 to these categories/subcategories during the twelve month period ending December 31, 2000. Effective July 1, 2001 through June 30, 2006, all study areas shall apportion TWX service order processing expense, as specified in § 36.377(a)(1)(viii) among the jurisdictions using relative billed TWX revenues for the twelve-month period ending December 31, 2000. All other subcategories of End-user service order processing expense, as specified in §§ 36.377(a)(1)(i) through 36.377(a)(1)(viii), shall be directly assigned.

(2) * * *

(vii) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in §§ 36.377(a)(2)(i) through 36.377(a)(2)(vi), based on the relative percentage assignment of the balance of Account 6620 to these categories/subcategories during the twelve month period ending December 31, 2000. Effective July 1, 2001 through June 30, 2006, all study areas shall apportion TWX payment and collection expense, as specified in § 36.377(2)(vi) among the jurisdictions using relative billed TWX revenues for the twelve-month period ending December 31, 2000. All other subcategories of End User payment and collection expense, as specified in §§ 36.377(a)(2)(i) through 36.377(a)(2)(vi), shall be directly assigned.

(3) * * *

(vii) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in §§ 36.377(a)(3)(i) through 36.377(a)(3)(vi), based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. Effective July 1, 2001 through June 30, 2006, all study areas shall apportion TWX billing inquiry expense, as specified in § 36.377(a)(3)(v) among the jurisdictions using relative billed TWX revenues for the twelve-month period ending December 31, 2000. All other subcategories of End user billing inquiry expense, as specified in §§ 36.377(a)(3)(i) through 36.377(a)(3)(vi), shall be directly assigned.

(4) * * *

(vii) Effective July 1, 2001 through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the subcategories, as specified in §§ 36.377(a)(4)(i) through 36.377(a)(4)(vi), based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. All subcategories of Interexchange carrier service order processing expense, as specified in §§ 36.377(a)(4)(i) through 36.377(a)(4)(vi), shall be directly assigned.

(5) * * *

(vii) Effective July 1, 2001 through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance

of Account 6620–Services to the subcategories, as specified in §§ 36.377(a)(5)(i) through 36.377(a)(5)(vi), based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. All subcategories of Interexchange carrier payment expense, as specified in §§ 36.377(a)(5)(i) through 36.377(a)(5)(vi), shall be directly assigned.

(6) * * *

(vii) Effective July 1, 2001 through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the subcategories, as specified in § 36.377(a)(6)(i) through 36.377(a)(6)(vi), based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. All subcategories of Interchange carrier billing inquiry expense, as specified in §§ 36.377(a)(6)(i) through 36.377(a)(6)(vi), shall be directly assigned.

(7) * * *

(i) Effective July 1, 2001 through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the subcategories, as specified in § 36.377(a)(7), based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000.

(ii) Effective July 1, 2001 through June 30, 2006, all study areas shall apportion Coin collection and administration expense among the jurisdictions using the relative state and interstate revenues deposited in the public and semi-public telephones, as specified in §§ 36.377(a)(7), for the twelve month period ending December 31, 2000. Direct assignment of any Coin collection and administration expense among the jurisdictions shall be updated annually.

21. Amend § 36.378 by adding paragraph (b)(1) and adding and reserving paragraph (b)(2) to read as follows:

§ 36.378 Category 2—Customer services (revenue accounting).

* * * * *

(b) * * *

(1) Effective July 1, 2001 through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the classifications, as specified in § 36.378(b), based on the relative percentage assignment of the balance of Account 6620 to those classifications during the twelve month period ending December 31, 2000.

(2) [Reserved]

* * * * *

22. Amend § 36.379 by adding paragraphs (b)(1) and (b)(2) to read as follows:

§ 36.379 Message processing expense.

* * * * *

(b) * * *

(1) Effective July 1, 2001 through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the subcategories, as specified in § 36.379(b), based on the relative percentage assignment of the balance of Account 6620 to those subcategories during the twelve month period ending December 31, 2000.

(2) Effective July 1, 2001 through June 30, 2006, all study areas shall apportion Toll Ticketing Processing Expense among the jurisdictions using the relative number of toll messages for the twelve-month period ending December 31, 2000. Local Message Process Expense is assigned to the state jurisdiction.

23. Amend § 36.380 by adding paragraphs (d) and (e) to read as follows:

§ 36.380 Other billing and collecting expense.

* * * * *

(d) Effective July 1, 2001 through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the Other billing and collecting expense classification based on the relative percentage assignment of the balance of Account 6620 to those subcategory during the twelve month period ending December 31, 2000.

(e) Effective July 1, 2001 through June 30, 2006, all study areas shall apportion Other billing and collecting expense among the jurisdictions using the allocation factor utilized, pursuant to §§ 36.380(b) or 36.380(c), for the twelve month period ending December 31, 2000.

24. Amend § 36.381 by adding paragraphs (c) and (d) to read as follows:

§ 36.381 Carrier access charge billing and collecting expense.

* * * * *

(c) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to the Carrier access charge billing and collecting expense classification based on the relative percentage assignment of the balance of Account 6620 to that classification during the twelve month period ending December 31, 2000.

(d) Effective July 1, 2001, through June 30, 2006, all study areas shall apportion Carrier access charge billing and collecting expense among the jurisdictions using the allocation factor, pursuant to § 36.381(b), for the twelve-month period ending December 31, 2000.

1. Revise § 36.382 to read as follows:

§ 36.382 Category 3—All other customer services expense.

(a) Effective July 1, 2001, through June 30, 2006, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620–Services to this category based on the relative percentage assignment of the balance of Account 6620 to this category during the twelve month period ending December 31, 2000.

(b) Category 3 is apportioned on the basis of Categories 1 and 2.

[FR Doc. 01–15564 Filed 6–20–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket Nos. 00–257 and 94–129; FCC 01–156]

2000 Biennial Review-Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of certain carrier change authorization and verification rules adopted in the First Report and Order in CC Docket No. 00–257 and Fourth Report and Order in CC Docket No. 94–129 (*Order*) in our slamming proceeding. A summary of the *Order* was published in the **Federal Register** on May 22, 2001 and a correction to that summary was published in the **Federal Register** on June 6, 2001.

DATES: The amendments to 47 CFR 64.1120(e) published at 66 FR 28117 (May 22, 2001) become effective on June 21, 2001.

FOR FURTHER INFORMATION CONTACT: Michele Walters, Associate Chief, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION: In the *Order*, released May 15, 2001, the Commission adopted streamlined procedures to replace the burdensome waiver process for the carrier-to-carrier sale or transfer of subscriber bases. The Commission's new procedures provide for an acquiring carrier to simply self-certify to the Commission, in advance of the transfer, that the carrier will follow the required procedures. This will protect the interests of the affected subscribers by giving them adequate advance notice of the carrier change and ensuring that the change will not cause them financial harm. A summary of the *Order* was published in the **Federal Register**. 66 FR 28117 (May 22, 2001). The subject heading in the summary was corrected in a document published in the **Federal Register**. 66 FR 30334 (June 6, 2001). The Office of Management and Budget (OMB) approved the information collections contained in section 64.1120(e) on June 7, 2001. OMB. No. 3060–0973. The rules adopted in the *Order* will take effect on June 21, 2001.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15563 Filed 6–20–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 000720213–1140–02; I.D 062000C]

RIN 0648–AO40

Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final estimates of annual fur seal subsistence needs.

SUMMARY: Pursuant to the regulations governing the subsistence taking of northern fur seals, NMFS publishes final annual estimates of fur seal subsistence needs for 2000 through 2002 on the Pribilof Islands, Alaska. These estimates are the same as for the previous 3–year period. NMFS estimates that the subsistence needs are 1,645–2000 seals on St. Paul and 300–500 seals on St. George.

DATES: Effective July 20, 2001.

FOR FURTHER INFORMATION CONTACT: Dave Cormany, (907) 271–3024; Michael Payne, (907) 586–7235; or Tom Eagle, (301) 713–2322, ext. 105.

SUPPLEMENTARY INFORMATION: The subsistence harvest of northern fur seals, *Callorhinus ursinus*, by Alaska Native residents of the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 216, subpart F, Taking for Subsistence Purposes. These regulations require NMFS to publish every 3 years a summary of the harvest in the preceding 3 years and a discussion of the number of fur seals expected to be taken over the next 3 years to satisfy the subsistence requirements of residents of the Pribilof Islands (St. Paul and St. George). After a 30–day comment period, NMFS must publish a final notification of the expected annual harvest levels for the next 3 years.

On August 9, 2000 (65 FR 48669), NMFS published the summary of the 1997-1999 fur seal harvests and provided a 30-day comment period on proposed estimates of subsistence needs for the years 2000 through 2002. No comments were received on the proposed estimates or on draft Environmental Assessment. Final expected annual harvest levels for 2000 through 2002 are 1,645–2000 seals on St. Paul Island and 300–500 seals on St. George Island. Background information related to these estimates was included in the proposed harvest estimates on August 9, 2000.

Classification

National Environmental Policy Act

Pursuant to section 102 (2) of the National Environmental Policy Act, NMFS prepared an Environmental Assessment to accompany this action and a Finding of No Significant Impact with respect to the effects of the action on the human environment.

Executive Order (E.O.) 12866 and Regulatory Flexibility Act

This rule has been determined to be not a significant rule under E.O. 12866. The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this action would not have a significant economic impact on a substantial number of small entities. No comments were received regarding the economic impact of this rule. Therefore, the requirements to prepare a regulatory flexibility analysis are not applicable, and none was prepared.

Paperwork Reduction Act

This action does not require the collection of information.

Executive Order 13132-Federalism

This action does not contain policies with federalism impacts sufficient to warrant preparation of a federalism assessment under E.O. 13132 because this action does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nonetheless, NMFS worked closely with local governments in the Pribilof Islands to prepare these estimates of subsistence needs.

Executive Order 13084-Consultation and Coordination with Indian Tribal Governments

E.O. 13084 requires that if NMFS issues a regulation that significantly or uniquely affects the communities of Indian tribal governments and imposes substantial direct compliance costs on those communities, NMFS must consult with those governments, or the Federal government must provide the funds necessary to pay the direct compliance costs incurred by the tribal governments. This action does not impose substantial direct compliance costs on the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this action.

Nonetheless, NMFS took several steps to work with affected tribal governments to prepare and implement the action. These steps included discussions on subsistence needs and mechanisms to ensure that the harvest is conducted in a non-wasteful manner. NMFS and the Tribal Government of St. Paul are negotiating a cooperative agreement pursuant to section 119 of the Marine Mammal Protection Act to govern future harvests.

Dated: June 15, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–15649 Filed 6–20–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 010319071–1103–02; I.D. 061501C]

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 1

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure; commercial quota for period 1.

SUMMARY: NMFS announces that the period 1 spiny dogfish commercial quota available to the coastal states from Maine through Florida has been harvested. Federally permitted commercial vessels may no longer land spiny dogfish for the duration of period 1 (through October 31, 2001). Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing spiny dogfish in these states.

DATES: Effective 0001 hrs local time, June 22, 2001, through 2400 hrs local time, October 31, 2001.

FOR FURTHER INFORMATION CONTACT: David M. Gouveia, Fishery Policy Analyst, at (978) 281–9280.

SUPPLEMENTARY INFORMATION: Regulations governing the spiny dogfish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages of the annual quota. The period 1 commercial quota (May through October) is distributed to the coastal states from Maine through Florida as described in § 648.230.

The initial total commercial quota for spiny dogfish for the 2001 fishing year was 4,000,000 lb (1,814 mt) (66 FR 22473, May 4, 2001). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30), with trip limits intended to preclude directed fishing. Quota period 1 was allocated 2,316,000 lb (1,050 mt) and quota period 2 was allocated 1,684,000 lb (764 mt) of the commercial quota, respectively.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data and other available information, determines when the commercial quota has been harvested. NMFS is required to publish a notice in the Federal Register advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the spiny dogfish commercial quota has been harvested and no commercial quota is available for landing spiny dogfish for the remainder of a given quota period. The Regional Administrator has determined, based upon dealer reports and other available information, that the 2001 commercial period 1 quota for spiny dogfish has been harvested.

Section 648.4(b) provides that Federal spiny dogfish permit holders agree, as a condition of the permit, not to land spiny dogfish in any state after NMFS has published notification in the **Federal Register** that the commercial quota for the period has been harvested and that no commercial quota for the spiny dogfish fishery is available. The Regional Administrator has determined that period 1 for spiny dogfish no longer has commercial quota available. Therefore, effective 0001 hrs local time, June 22, 2001, landings of spiny dogfish in coastal states from Maine through Florida by vessels holding commercial Federal fisheries permits are prohibited through October 31, 2001, 2400 hrs local time. The fishing year 2001 quota period 2 for commercial spiny dogfish harvest will open on November 1, 2001. Effective June 22, 2001, federally permitted dealers are also advised that they may not purchase spiny dogfish from vessels issued federal spiny dogfish permits that land in coastal states from Maine through Florida.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 15, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–15647 Filed 6–21–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 120
Thursday, June 21, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 700, 701, 712, 715, 723, 725, and 790

Definitions; Organization and Operation of Federal Credit Unions; Credit Union Service Corporations; Supervisory Committee Audits and Verifications; Member Business Loans; Central Liquidity Facility; Description of NCUA

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board is proposing amendments to various rules to make technical corrections and add and revise certain definitions. The Board is proposing a rule to add a scope section and definitions of "paid-in and unimpaired capital and surplus" and "unimpaired capital and surplus" to its rule containing definitions. TheBoard also proposes to remove obsolete references from this rule and to update its rule concerning changes in officials of newly chartered or troubled credit unions. The Board proposes to correct a citation in the supervisory committee rule and make clarifications to the credit union service organization (CUSO) rule and the member business loan rule. In addition, the Board proposes to update and clarify the definition for "paid-in and unimpaired capital and surplus" in the Central Liquidity Facility (CLF) rule. Finally, the Board proposes to change a reference in Part 790 from the "Office of Community Development Credit Unions" to the "Office of Credit Union Development."

DATES: Comments must be received on or before August 20, 2001.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. You may fax comments to (703) 518–6319 or email comments to *regcomments@ncua.gov. Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Regina Metz, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518-6561, or Herbert S. Yolles, Deputy Director, Office of Examination and Insurance, at the above address or telephone: (703) 518–6360.

SUPPLEMENTARY INFORMATION:

Background

NCUA has a policy of continually reviewing its regulations to "update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions." Interpretive Rulings and Policy Statement (IRPS) 87–2, Developing and Reviewing Government Regulations. NCUA staff's most recent review of NCUA's regulations revealed that two parts contain references related to section 116 of the Federal Credit Union Act (FCU Act). 12 CFR 700.1, 701.14. These references are obsolete because Congress, when it enacted the Credit Union Membership Access Act (CUMAA), repealed section 116 and replaced it with prompt corrective action, section 216. P.L. 105–219; 12 U.S.C. 1790d.

In the definitions part of the regulations, the proposed rule adds a scope section and definitions for "paid-in and unimpaired capital and surplus" and "unimpaired capital and surplus." 12 CFR part 700. The proposed rule conforms definitions of paid-in and unimpaired capital and surplus in the CUSO and CLF rules to the proposed definitions in the definitions part. 12 CFR 712.2(d); 12 CFR 725.2(o). The proposed rule also corrects a citation in the supervisory committee audit rule and clarifies the member business loan rule by changing a reference from "federally insured credit unions" to "federally insured state-chartered credit unions." 12 CFR 715.2(l), 723.4. The proposed rule also updates NCUA's regulations by changing a reference in Part 790 from the "Office of Community Development Credit Unions" to the office's new name, the "Office of Credit Union Development."

General Changes to Definitions Part

Part 700 provides definitions for some terms used throughout NCUA's regulations. NCUA's regulations include several parts with their own definition provisions, such as the supervisory committee audit rule. 12 CFR part 715. The proposed rule adds a scope section to part 700 to alert readers to the fact that many other definitions appear in the particular parts where the terms are used.

Part 700 currently contains the definitions for "remaining maturity" and "gross income." 12 CFR 700.1(h); 700.1(j). These definitions became obsolete when Congress repealed section 116 of the FCU Act, containing statutory reserve requirements for federal credit unions. 12 U.S.C. 1762 (repealed Aug. 7, 1998). The proposed rule retains the remaining existing definitions and alphabetizes them for ease of reference.

"Paid-In and Unimpaired Capital and Surplus" and "Unimpaired Capital and Surplus"

The phrases "paid-in and unimpaired capital and surplus" and "unimpaired capital and surplus" appear multiple times in the FCU Act and NCUA's regulations, often in the context of establishing a limit on a federal credit union's financial commitment in an activity. For example, a federal credit union's maximum investment in loans to other credit unions, loans or investments in CUSOs, and the maximum amount it may borrow are based on a percentage of its paid-in and unimpaired capital and surplus. 12 U.S.C. 1757(7)(C), 1757(9), 1757(5)(D), 1757(7)(I); 12 CFR 741.2. By comparison, a federal credit union's investment in state and municipal securities, purchase of eligible obligations, and interest in a loan participation or total indebtedness to one person is limited to a percentage of its unimpaired capital and surplus. 12 U.S.C. 1757(7)(K), 1757(13); 12 CFR 701.23(b)(3), 701.22(b)(1), 701.23(f).

The Federal Credit Union Bylaws (FCU Bylaws) set out a long-standing definition for "paid in and unimpaired capital" and, also, a definition for "surplus." FCU Bylaws, art. XVIII.§ 1.(g), (h). The FCU Bylaws define "paid in and unimpaired capital," as of a given date, as "the balance of the paid-in share accounts as of such date, less any losses that may have been incurred for which there is no reserve or which have not been charged against undivided earnings." FCU

Bylaws art. XVIII.§ 1(g). The FCU Bylaws also state that "surplus, as of a given date means the credit balance of the undivided earning account on such date, after all losses have been provided for and net earnings or net losses have been added thereto or deducted therefrom, as the case may be" and that "[r]eserves are not considered as a part of the surplus." FCU Bylaws art. XVIII.§ 1(h).

A definition for "paid-in and unimpaired capital and surplus" in relation to the CLF appears in the FCU Act and in the CLF regulation. 12 U.S.C. 1795a(3); 12 CFR 725.2(o). That definition includes "deposits" in the calculation because the definition applies to state-chartered credit unions as well as federal credit unions, and some state-chartered credit unions are authorized to hold deposits. There is currently no definition solely for "unimpaired capital and surplus" in the FCU Act, FCU Bylaws, or NCUA regulations.

NCUA's long-standing interpretation of both "paid-in and unimpaired capital and surplus" and "unimpaired capital and surplus" is that both terms generally consist of the paid-in balance of shares plus undivided earnings. The distinction between "paid-in and unimpaired capital" and "unimpaired capital," in the context of credit unions, is essentially historical and has no current effect on the relevant calculations under NCUA regulations. Under the FCU Act and the FCU Bylaws, federal credit unions may permit members to subscribe to member shares in installments. 12 U.S.C. 1759(a); FCU Bylaws, art. II, art. III. Article III of the FCU Bylaws, currently titled "Shares of Members," was titled "Capital and Liability," from the 1930s through 1950s. In the early years of credit union development, new members would often subscribe to a five-dollar share and pay in 25-cent monthly installments. The term "paid-in and unimpaired capital" was used to clarify that shares that had been subscribed to but not yet paid (i.e., future installments) were not included as member capital. Because installment payments of shares are in little, if any, use today, the distinction has little relevance. In any event, only amounts actually paid into share accounts are included under either term. The proposed rule defines "unimpaired capital and surplus" as meaning the same as "paid-in and unimpaired capital and surplus" and cross-references its definition.

The Board believes it would improve the clarity of NCUA's regulations to include definitions for "paid-in and unimpaired capital and surplus" and "unimpaired capital and surplus" in the general definitions part of the regulations. The proposed definition for "paid-in and unimpaired capital and surplus" is a refined statement of the definitions currently in the FCU Bylaws, but does not change the meaning of those definitions or the agency's long-standing interpretation. Placement of the definitions in the regulations will provide easier and more logical access to users of the regulations than having the definitions solely in the FCU Bylaws. In addition, the Board believes the proposed rule simplifies the definitions by using appropriate accounting terminology familiar to persons who are referring to the regulations. Proposed 12 CFR 700.1(f), (j).

The proposed definition for paid-in and unimpaired capital and surplus is shares plus post-closing, undivided earnings. The term "post-closing" is simpler terminology that a credit union person, an examiner, and an accounting professional would understand to encompass the closing of the books and posting of all relevant and required period losses to undivided earnings. Post-closing undivided earnings incorporates and means the same as the language in the Bylaw provisions that define surplus ("after all losses have been provided for and net earnings or net losses have been added thereto or deducted therefrom") and define unimpaired capital ("less any losses that may have been incurred for which there is no reserve or which have not been charged against undivided earnings").

The proposed definition further clarifies the meaning of paid-in and unimpaired capital and surplus by including the statement that: "This does not include regular reserves or special reserves required by law, regulation or special agreement between the credit union and its regulator or share insurer." This may seem redundant since the term "undivided earnings" already excludes those regular and special reserves. However, the Board believes that this statement will lessen possible confusion by distinguishing between "retained earnings," in the prompt corrective action rule, which include regular and special reserves, and "undivided earnings" which do not include them. The term "retained earnings" is used in the prompt corrective action rule in the definition of the term "net worth." 12 CFR 702.2(f). The prompt corrective action rule requires federally insured credit unions to maintain regular and special reserves in 12 CFR 702.401.

Amendment to Definition of "Paid-In and Unimpaired Capital and Surplus" in the CUSO Rule

NCUA's CUSO regulation currently states that "paid-in and unimpaired capital and surplus means shares and undivided earnings." 12 CFR 712.2(d). As noted previously, the term is relevant because a federal credit union's lending or investment in CUSOs is limited as a percentage of its paid-in and unimpaired capital and surplus. 12 U.S.C. 1757(5)((D); 12 CFR 712.2(b); 12 U.S.C. 1757(7)(I); 12 CFR 712.2(a).

The Board believes it is helpful to keep a definition for paid-in and unimpaired capital and surplus in the CUSO rule for easy reference. The proposed definition in § 712.2(d) conforms the CUSO provision so that it mirrors the new proposed definition in the general definition part. The proposed rule revises the current rule into two subsections for further clarity, stating the requirement for GAAP accounting for investments and loans as a separate subsection.

Amendment to Definition of "Paid-In and Unimpaired Capital and Surplus" in the CLF Rule

The CLF is a mixed-ownership government corporation created to improve the general financial stability of credit unions by meeting their liquidity needs. 12 CFR 725.1. Both state and federally chartered credit union may become members. 12 CFR 725.3.

The Board proposes to revise the current definition in the CLF rule for paid-in and unimpaired capital and surplus. The current CLF rule combines the Bylaw definition for paid-in and unimpaired capital with the Bylaw definition of surplus and is substantively identical to those provisions. 12 CFR 725.2(o). The proposed rule essentially would conform this definition to the definition provided in the general definitions part with the exception that deposits are included. As noted previously, deposits are included because some state-chartered credit unions are authorized to accept deposits. The proposed rule states that paid-in and unimpaired capital and surplus means shares and deposits plus post-closing, undivided earnings. The definition further states that the term does not include regular reserves or special reserves required by law, regulation or special agreement between the credit union and its regulator or share insurer.

Technical Amendments to § 701.14

Section 701.14 requires a credit union that is newly chartered or in troubled

condition to report any changes in its board of directors, committee members, or senior executive officers to NCUA. NCUA first issued this regulation in 1990 and updated it in 1999. 55 FR 43084, Oct. 26, 1990; 64 FR 28715, May 27, 1999. The proposed rule deletes the two obsolete references in § 701.14 to section 116 of the FCU Act and replaces them with references to section 216 of the FCU Act, prompt corrective action.

Technical Amendments to § 715.2

Part 715 contains the rules for federally insured credit unions for supervisory committees' audits and verifications. Section 715.2(l) refers to the definition of supervisory committee in section 111(b) of the FCU Act. The citation for that provision was incorrect and should be 12 U.S.C. 1761(b).

Technical Amendments to § 723.4

Part 723 contains the rules for federally insured credit unions' member business loans. If a federal credit union has granted a member business loan, paragraphs (a) through (g) of NCUA's general lending rule, § 701.21, also apply to the loan to the extent that the paragraphs are not inconsistent with the member business loans rule. 12 CFR 723.4. If a federally insured state-chartered credit union has granted a member business loan, paragraphs (a) through (g) of § 701.21 do not apply unless the credit union is required to comply with them under part 741. The Board proposes to clarify § 723.4 by changing the reference in the section from "federally insured credit unions" to "federally insured state-chartered credit unions."

Technical Amendments to § 790.2(b)(13)

The proposed rule updates NCUA's regulations by changing a reference in part 790 from the "Office of Community Development Credit Unions" to the office's new name, the "Office of Credit Union Development."

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a proposed rule may have on a substantial number of small entities (primarily those under one million dollars in assets). The proposed rule will not have a significant economic impact on a substantial number of small credit unions, and therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

NCUA has determined that the proposed rule would not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this proposed rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether the proposed rule is understandable and minimally intrusive.

List of Subjects

12 CFR Part 700

Credit unions, Definitions.

12 CFR Part 701

Credit unions.

12 CFR Part 712

Credit unions, Credit union service organizations.

12 CFR Part 715

Audits, Credit unions, Supervisory committees.

12 CFR Part 723

Credit, Credit unions.

12 CFR Part 725

Credit unions, Liquidity.

12 CFR Part 790

Credit unions.

By the National Credit Union Administration Board on June 14, 2001.

Becky Baker,

Secretary of the Board.

Accordingly, the NCUA proposes to amend 12 CFR parts 700, 701, 715, 723, 725, and 790 as follows:

PART 700—DEFINITIONS

1. The authority citation for part 700 continues to read as follows:

Authority: 12 U.S.C. 1752, 1757(6), 1766.

2. Redesignate current § 700.1 as § 700.2 and add a new § 700.1 to read as follows:

§ 700.1 Scope.

The definitions in § 700.2 apply to terms used in this chapter. Many additional definitions appear in the parts where the terms are used.

3. In newly designated § 700.2:

A. Remove paragraphs (h) and (j);

B. Redesignate paragraphs (e), (f), (g) and (i) as paragraphs (g), (h), (i) and (e) respectively; and

C. Add new paragraphs (f) and (j).

§ 700.2 Definitions.

* * * * *

(f) *Paid-in and unimpaired capital and surplus* means shares plus post-closing, undivided earnings. This does not include regular reserves or special reserves required by law, regulation or special agreement between the credit union and its regulator or share insurer. "Paid-in and unimpaired capital and surplus" for purposes of the Central Liquidity Facility is defined in § 725.2(o) of this chapter.

* * * * *

(j) *Unimpaired capital and surplus* means the same as "paid-in and unimpaired capital and surplus," as defined in paragraph (f) of this section.

* * * * *

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

4. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1861 and 42 U.S.C. 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

5. In § 701.14, revise paragraphs (b)(3)(ii) and (b)(4)(ii) to read as follows:

§ 701.14 Change in official or senior executive officer in credit unions that are newly chartered or are in troubled condition.

* * * * *

(b) * * *

(3) * * *

(ii) Has been granted assistance as outlined under sections 208 or 216 of the Federal Credit Union Act.

(4) * * *

(ii) Has been granted assistance as outlined under sections 208 or 216 of the Federal Credit Union Act.

* * * * *

PART 712—CREDIT UNION SERVICE ORGANIZATIONS (CUSOs)

6. The authority citation for part 712 continues to read as follows:

Authority: 12 U.S.C. 1756, 1757(5)(d) and (7)(I), 1766, 1782, 1784, 1785, and 1786.

7. Amend § 712.2 by revising paragraph (d) to read as follows:

§ 712.2 How much can an FCU invest in or loan to CUSOs, and what parties may participate?

* * * * *

(d) *Measurement for calculating regulatory limitation.* For purposes of paragraphs (a) and (b) of this section:

(1) *Paid-in and unimpaired capital and surplus* means shares plus post-closing, undivided earnings (this does not include regular reserves or special reserves required by law, regulation or special agreement between the credit union and its regulator or share insurer); and

(2) Total investments in and total loans to CUSOs will be measured consistent with GAAP.

* * * * *

PART 715—SUPERVISORY COMMITTEE AUDITS AND VERIFICATIONS

8. Revise the authority citation for part 715 to read as follows:

Authority: 12 U.S.C. 1761(b), 1761d, 1782(a)(6).

9. Amend § 715.2(l) by revising the first sentence to read as follows:

§ 715.2 Definitions used in this part.

* * * * *

(l) Supervisory committee refers to a supervisory committee as defined in Section 111(b) of the Federal Credit Union Act, 12 U.S.C. 1761(b). * * *

* * * * *

PART 723—MEMBER BUSINESS LOANS

10. The authority citation for part 723 continues to read as follows:

Authority: 12 U.S.C. 1756, 1757, 1757A, 1766, 1785, 1789.

11. Amend § 723.4 by revising the second sentence to read as follows:

§ 723.4 What are the other applicable regulations?

* * * Except as required by part 741 of this chapter, federally insured state-chartered credit unions are not required to comply with the provisions of § 701.21(a) through (g).

PART 725—NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

12. The authority citation for part 725 continues to read as follows:

Authority: 12 U.S.C. 1795–1795f.

13. Amend § 725.2 by revising paragraph (o) to read as follows:

§ 725.2 Definitions.

* * * * *

(o) *Paid-in and unimpaired capital and surplus* means shares and deposits plus post-closing, undivided earnings. This does not include regular reserves or special reserves required by law, regulation or special agreement between the credit union and its regulator or share insurer.

* * * * *

PART 790—DESCRIPTION OF NCUA; REQUESTS FOR AGENCY ACTION

14. The authority citation for part 790 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789, 1795f.

15. Amend § 790.2(b)(13) by revising the heading to read as follows:

§ 790.2 Central and regional office organization.

* * * * *

(b) * * *

(13) Office of Credit Union Development. * * *

* * * * *

[FR Doc. 01–15444 Filed 6–20–01; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–ANE–25–AD]

Airworthiness Directives; General Electric Company (GE) CF6–45 and CF6–50 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed to revise an existing airworthiness directive (AD), applicable to GE CF6–45 and CF6–50 series turbofan engines. That action would have revised an existing AD to require the same inspections on reworked high pressure compressor (HPC) rear shafts as those HPC rear shafts covered by the current amendment. That proposal was prompted by the need to ensure that the additional reworked HPC rear shafts receive the same inspections as part numbers covered by the current amendment. Since that NPRM was issued, the FAA has determined that the repetitive inspections of reworked HPC rear shafts will instead be incorporated into the final rule, AD 2001–12–20, for a new design HPC air duct. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7192; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to revise an existing AD, applicable to GE CF6–45 and CF6–50 series turbofan engines, was published in the **Federal Register** on October 12, 2000 (65 FR 60597). The proposed rule would have revised AD 91–10–03, R1, to add HPC rear shaft rework P/N's to the AD. That action was prompted by the need to ensure that the additional HPC rear shafts receive the same inspections as part numbers covered by the current amendment. The proposed actions were intended to detect and replace cracked HPC rear shafts, which, if not replaced, could lead to an uncontained engine failure.

The FAA received a comment that notes that a new effective date of the AD revision could be misconstrued and result in parts continuing in service without the required inspections, for longer than originally intended by the current AD.

The FAA agrees. Upon further consideration, the FAA has determined that the proposed addition of repetitive inspections of reworked HPC rear shafts will instead be incorporated into the final rule for a new design HPC air duct. The final rule for the new design air duct, AD 2001–12–20, requires that existing HPC rear shafts be reworked for compatibility with new design air ducts, inspected at the time of rework, and repetitively inspected at specified

intervals. As a result, revising the existing AD is no longer required. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 90–ANE–25–AD, published in the **Federal Register** on October 12, 2000, (65 FR 60597), is withdrawn.

Issued in Burlington, Massachusetts, on June 14, 2001.

Robert J. Ganley,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–15574 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 26112; Notice No. 90–2]

RIN 2120–AD26

Sole Radio Navigation System; Minimum Standards for Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); withdrawal.

SUMMARY: The Federal Aviation Administration (FAA or "we") is withdrawing a previously published ANPRM that sought information on the minimum standards for certification of a sole radio navigation system in aircraft conducting flight under instrument flight rules (IFR) en route, and in terminal area operations including nonprecision approach, in controlled airspace in the United States. The proposal was in response to a requirement of the Airport and Airway Safety and Capacity Expansion Act of 1987. We are withdrawing the document because the navigation issues set forth in the ANPRM have been superseded by new technology, and Flight Standards Service of the FAA is drafting a notice of proposed rulemaking (NPRM) which will encompass those issues that remain relevant and update the terminology of our general operating and flight rules.

EFFECTIVE DATE: The advance notice of proposed rulemaking published at 55 FR 2206 is withdrawn on June 21, 2001.

FOR FURTHER INFORMATION CONTACT: Bonnie Fritts, ARM–28, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7037.

SUPPLEMENTARY INFORMATION:

Background

On January 22, 1990, the FAA published ANPRM No. 90–2 (55 FR 2206) proposing amendments to 14 CFR part 91, in response to Section 310(c) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100–223), which required that—

Not later than September 30, 1989, the Administrator shall establish by regulation minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft for operation in airspace in the United States.

The ANPRM invited public comment to aid the FAA in implementing the provisions of the law. The comment period closed on May 22, 1990.

Discussion of Comments

Aviation industry groups, manufacturers of navigation systems, and interested individuals responded to the notice with a total of 19 comments. Commenters agreed on the need for minimum standards for certification of navigation systems. While commenters were generally supportive of our proposed rulemaking, many requested additional enhancements to the proposal.

Air Transport Association (ATA) and Aerospace Industries Association (AIA), as well as individuals associated with the aviation industry, expressed concerns that satellite-based navigation systems, and other viable non-radio systems, be addressed by the standards. The aviation community's reliance on ground-based navigation systems was being encroached upon by new technologies, such as the Global Positioning Satellite (GPS) navigation system, providing more efficient use of airspace and an increase in flight safety. Geostar Corporation and Litton Aero Products, manufacturers of navigation systems, also shared this concern that FAA recognize new technologies and not artifically limit technology growth with overly rigid standards. Years have passed since these comments were made and growth in navigation systems technology has continued to even further surpass radio navigation systems.

Several individual commenters expressed their desire that any system resulting from the minimum certification standards be affordable for individual pilots who are without the financial support of large organizations.

National Business Aircraft Association and ATA requested that FAA task the Radio Technical Commission for Aeronautics with developing the necessary documentation for the minimum standards.

Air Line Pilots Association expressed general support for the rulemaking proposal.

Commenters from all categories stated that definitions of terms in the ANPRM were not clear, some suggesting alternative definitions or the addition of terms like "testability," "sole means navigation system," and "precision approach." Aircraft Owners & Pilots Association (AOPA), Air Traffic Control Association, and AIA took issue, in particular, with the phrase "near 100%" in relation to reliability and availability measurement, requesting a more specific measurement to avoid confusion.

AIA and AOPA stated that results of FAA studies should be shared with readers and requested that those results be included in the final rule.

One individual commented that a particular proposed passage, § 91.205(g)(2)(i), was not necessary because operations "are already far too burdened by unjustified requirements."

The Illinois Department of Transportation asserted the GPS and Loran-C systems should be allowed to be used in "fly-direct" configuration, rather than "along the route to be flown," as the wording of § 91.33 (new § 91.205 (g)(2)(ii) states. While this comment and the preceding comment had relevance when originally submitted, they now serve as another illustration of justification for withdrawal—the regulatory action that has been superseded by events.

The ANPRM which we are withdrawing identifies the pertinent section of the Code of Federal Regulations most commonly as § 91.33 (new § 91.205). From today's perspective, § 91.33 has not existed in

the Code of Federal Regulations in other than a reserved capacity for over ten years. Even in these two specific comment references, the "new § 91.205(g)(2)" has long since disappeared from the Code of Federal Regulations. Issues have likewise disappeared, or evolved to find relevance in today's new technologies. The passage of time, along with its accompanying growth in technology, has transformed once valid concerns into obsolete issues. The remaining issues addressed in the ANPRM that have retained their relevance will be encompassed within an NPRM currently being drafted by FAA.

In that NPRM, the FAA will propose to update not only 14 CFR part 91, but also parts 1, 95, 97, 121, 129, and 135, to allow for the use of the additional capabilities and developing technologies of navigation systems that are other than ground-based. The use of ground-based navigation systems often results in less than optimal routes or instrument procedures and an inefficient use of airspace. The proposal, under development in a separate action, would allow for the use of Area Navigation (RNAV) systems to provide greater flexibility in defining routes, instrument procedures, and airspace design, along with an associated increase in flight safety.

Reason for Withdrawal

A considerable amount of time has elapsed since the ANPRM was published. Issues set forth in the ANPRM have been supersede by new technology and the development of operating concepts that are being addressed in joint FAA/industry working groups. The Flight Standards Service of FAA is drafting in NPRM that will update the terminology in 14 CFR part 91 to address, among other things, the issue of satellite-based navigation systems.

Conclusion

The FAA has determined that this regulatory course of action is no longer necessary. Accordingly, Notice No. 90–2, published at 55 FR 2206 on January 22, 1990, is withdrawn.

Issued in Washington, DC, on May 24, 2001.

Nicholas Sabatini,

Director, Flight Standards Service.

[FR Doc. 01–15607 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–103–; KY–107–; KY–110–; KY–114–; KY–115–; KY–122–9817(b); FRL–6999–3]

Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Approval of Revisions to State Implementation Plan; Revised Format for Materials Being Incorporated by Reference for Jefferson County, KY

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP). The revisions were submitted to EPA on February 3, 1998; September 22, 1998; February 11, 1999; May 21, 1999; July 20, 1999; and September 22, 2000 by the Commonwealth of Kentucky through the Kentucky Natural Resources and Environmental Protection Cabinet. These submittals include miscellaneous rule revisions and the recodification of Jefferson County regulations.

EPA is also proposing to revise the format of 40 CFR part 52 for materials submitted by the Commonwealth of Kentucky that are incorporated by reference (IBR) into the Jefferson County portion of the Kentucky SIP. The regulations affected by this format change have all been previously submitted by the Commonwealth of Kentucky pursuant to revisions to the Jefferson County SIP and either previously approved by EPA or proposed for approval in this **Federal Register**. This format revision will primarily affect the "Identification of plan" section of CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the Regional Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or State-submitted materials that are not subject to IBR remain unchanged.

DATES: To be considered, comments must be received by July 23, 2001.

ADDRESSES: Written comments on this proposed action should be addressed to Allison Humphris, Regulatory Planning Section, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Copies of documents relative to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency; Region 4 Air Planning Branch; 61 Forsyth Street, SW; Atlanta, Georgia 30303–8960

Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet; Division for Air Quality; 803 Schenkel Lane; Frankfort, Kentucky 40601–1403

Air Pollution Control District of Jefferson County; 850 Barrett Avenue; Louisville, Kentucky 40204

The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day and reference files KY–103, KY–107, KY–110, KY–114, KY–115, KY–122. The Region 4 office may have additional background documents not available at the other locations.

FOR FURTHER INFORMATION CONTACT: Allison Humphris, Regulatory Planning Section, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960, 404/562–9030, (humphris.allison@epa.gov).

SUPPLEMENTARY INFORMATION: The supplemental information is organized in the following order.

I. Rule Revisions Being Proposed for Approval By EPA in This Action.
  A. February 3, 1998 and September 22, 1998 Submittals
  B. February 11, 1999 Submittal
  C. May 21, 1999 Submittal
  D. July 20, 1999 Submittal
  E. September 22, 2000 Submittal
II. Revised IBR Format Being Proposed for Approval By EPA in This Action.
  A. Background
  B. Content of Revised IBR Document
  C. Revised Format of the "Identification of plan" Sections in Each Subpart
  D. Enforceability and Legal Effect
III. Administrative Requirements

I. Rule Revisions Being Proposed for Approval By EPA in This Action

The Commonwealth of Kentucky, through the Kentucky Natural Resources and Environmental Protection Cabinet, submitted to EPA revisions to the Jefferson County portion of the SIP on February 3, 1998, September 22, 1998, February 11, 1999, May 21, 1999, July 20, 1999 and September 22, 2000. The revisions include updates and modifications of the Jefferson County regulations. The recodification renumbers Jefferson County rule sections to make the SIP less complex and corrects typographical errors, capitalization, spelling, and punctuation.

A. February 3, 1998 and September 22, 1998 Submittals

On February 3, 1998 and September 22, 1999, the Commonwealth of Kentucky submitted revisions to the Jefferson County portion of the Kentucky SIP. EPA is proposing to approve the following changes to the rules listed below which also include a recodification of the rules.

Regulation 1.02 Definitions—This revision adds definitions of the terms: "Act;" "Cabinet;" "Department;" "Division;" "Federally enforceable District origin operating permit;" "Fugitive emissions;" "Generally Achievable Control Technology;" "Hazardous air pollutant;" "Maximum Achievable Control Technology;" "Potential Hazardous Emission;" "Reasonable available control technology;" "Toxic Air Pollutant." The revision amends the following definitions "Major Source;" "Organic Material;'and "Potential to emit." The revision also amends the definition of "Volatile organic compounds" to include additional exempted organic compounds to be consistent with the federal definition. The revised definition states that the following organic compounds have been determined to have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); and perfluorocarbon compounds which fall into these classes: (1) Cyclic, branched, or linear, completely fluorinated alkanes, (2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations, (3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations, and (4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine. The revision also makes various word structure changes to add clarity.

Regulation 1.04 Performance Tests—This revision identifies the appropriate citations for the federal performance standards and test methods that Jefferson County must satisfy which include 40 CFR part 60, 40 CFR part 61, 40 CFR part 63, 40 CFR part 61, appendix B, and 40 CFR part 63, appendix A. The revision includes the requirement for a facility to notify the Air Pollution Control District of Jefferson County (District) at least 25 working days prior to the projected starting date and 10 working days prior to the scheduled starting date for a performance test. The revision also adds language that allows the District to waive the advance notice requirement if certification of a continuous emission monitoring system is needed, and grants the District authority to waive the following in the event of an emergency or malfunction: notice of intent to test, the pre-test survey and conference, and the prior notice of the scheduled starting date for the performance test. The revision also makes various sentence and word structure changes to add clarity.

B. February 11, 1999 Submittal

On February 11, 1999, the Commonwealth of Kentucky submitted miscellaneous revisions to the Jefferson County portion of the Kentucky SIP. EPA is proposing to approve the following changes to the rules listed below which also include a recodification of the rules.

Regulation 1.03 Abbreviations and Acronyms—This revision makes various revisions to distinguish between abbreviations and acronyms.

Regulation 1.07 Emissions During Startups, Shutdowns, Malfunctions and Emergencies—This revision adds the definition of "Emergency." The District regulation will not take precedence over federal rule requirements, thus an exceedance during startups, shutdowns, malfunctions, or emergencies would be a violation. The rule states that a company must meet the revised applicable reporting requirements prescribed in this regulation to meet the requirements of an affirmative defense. If there is an exceedance episode and the reporting requirements are met but the federal regulation is violated, compliance with the District regulation can be used as an affirmative defense if legal action is taken against the company as a result of the violation.

Regulation 1.08 Administrative Procedures—This revision establishes the procedures for the adoption or amendment of a regulation in order to meet statutory requirements;

Regulation 1.09 Prohibition of Air Pollution—This revision adds language to strengthen the District's regulatory enforcement against harmful emission discharges and nuisances of the criteria pollutants that can potentially endanger health and safety.

Regulation 1.11 Control of Open Burning—This revision allows limited open burning for debris removal necessitated by acts of God and general agricultural burning. It replaces Regulations 6.06 Control of Open Burning and Regulation 7.05 Control of Open Burning.

Regulation 1.14 Control of Fugitive Particulate Emissions—This revision requires District approval of a fugitive dust plan for unpaved roads and grants the District authority to request a traffic count on unpaved roads to determine if preventative measures are necessary. The revision adds the requirement that a person planning to take part in open burning activities must notify the District in writing prior to operation and shall not disturb more total surface area than one acre of land in the aggregate unless fugitive dust abatement and preventative measures are implemented. The revision also adds the requirement for District notification of any demolition, wrecking or moving of structures and replaces Regulation 6.05 Control of Fugitive Particulate Emissions and Regulation 7.04 Control of Fugitive Particulate Emissions.

Regulation 2.02 Air Pollution Regulation Requirements and Exemptions—The amendments to this regulation exempt specific emission units from permit requirements which comprise the insignificant list of the Title V operating permit program. Examples of the added exempted emission units include, but are not limited to: facilities using only peanut oil, sunflower oil, cottenseed oil, or canola oil; passive soil or ground water contamination remediation projects; indoor dust or particulate collectors; cold solvent parts cleaners that are equipped with a functional secondary reservoir; portable diesel or gasoline storage tanks with a maximum capacity of less than 500 gallons; storage vessels for VOCs with a maximum capacity of 250 gallons or less; diesel or fuel oil storage tanks not used for distribution or sale that have less than two times the capacity of the vessel in annual fluid turnoverall; pressurized VOC storage vessels; and Research and Development facilities. For a complete list of exempted facilities refer to Regulation 2.02.

Regulation 2.06 Permit Requirements—Other Sources—The revision makes minor word structure changes to add clarity.

Regulation 2.07 Public Notification for Title V, PSD, and Offset Permits; SIP Revisions; and Use of Emission Reduction Credits—The amendments to Regulation 2.07 establish the requirements for the District to provide public notice, opportunity for public comment, review by EPA and affected states, and a public hearing on Title V permit actions and the issuance of permits; and these revisions are pursuant compliance of CAA section 502(b)(6) and 40 CFR 70.7–8.

Regulation 2.10 Stack Height Considerations—The revision amends the definitions of "Dispersion technique," "Excessive concentration," "Good engineering practice," and "Stack in existence" to be consistent with Federal definitions. The revision also adds the definitions of "Emission limitation or emission standard," "Nearby," and "Stack." The revision amends the procedures for which stack heights shall be considered in determining compliance of an affected source. The revision makes minor word and sentence structure changes to add clarity and consistency with EPA definitions.

Regulation 3.04 Ambient Air Quality Standards—This amendment implements the 0.12 part per million federal ozone standard in accordance with 40 CFR part 50, appendix H. It also revises Particulate Matter (PM) to define PM10 for both primary and secondary standards in accordance with 40 CFR part 50, appendix K.

Regulation 4.07 Episode Reporting Requirements—The revision makes minor word structure changes to add clarity.

Regulation 6.01 General Provisions—The revisions establish the general provisions for the application of standards of performance for existing affected facilities and the requirement for performance tests according to Regulation 1.04 Performance Tests.

Regulation 6.02 Emission Monitoring for Existing Sources—This revision adds "petroleum refinery" to the list of source categories that are subject to continuous emission monitoring and removes "fluid bed catalytic cracking unit catalyst regenerators" because there are no operating refineries with a fluid bed catalytic cracking unit catalyst regenerator in the District. This revision also adds the requirement for additional monitoring equipment for petroleum refineries and makes minor sentence and word structure changes to add clarity.

Regulation 6.17 Standard of Performance for Existing Automobile and Truck Surface Coating Operations—This revision adds the definition of "Truck" to clarify the meaning used in the regulation.

Regulation 7.25 Standard of Performance for New Sources Using Volatile Organic Compounds—This revision amends the definitions of "Affected facility," "Potential emissions," and "Volatile organic compound." The revision requires affected facilities to be equipped with and utilize best available control technology (BACT) as determined at the time of the District review of the construction permit and makes minor word and sentence structure changes to add clarity.

This action proposes to remove the Hazardous Air Pollutant Standards (HAPS) listed below from the federally-approved SIP because these regulations were incorrectly approved into the SIP. EPA enforces HAPS pursuant to 40 CFR parts 61 and 63, therefore the rules should not be included in the federally-approved SIP.

Regulation 5.01 Standards for Hazardous Air Pollutants—General Provisions,
Regulation 5.02 Definitions,
Regulation 5.03 Potential Hazardous Emissions,
Regulation 5.04 Emission Standards for Asbestos,
Regulation 5.05 Emission Standard for Beryllium,
Regulation 5.06 Emission Standard for Mercury,
Regulation 5.07 Emission Standard for Beryllium Rocket Motor Firing, and
Regulation 5.08 Emission Standards for Vinyl Chloride.

Jefferson County requested EPA to remove the following regulations. Therefore, this action proposes to remove these regulations from the federally-approved SIP.

Regulation 2.08 Emission Fees, Permit Fees, and Permit Renewal Procedures—The regulation was incorrectly approved into the SIP. EPA has determined that the Agency does not enforce the collection of emission and permit fees, therefore the rule should not have been approved into the SIP.

Regulation 6.03 Control of Nuisances—The regulation was incorrectly approved into the SIP. EPA has determined that the Agency does not enforce the control of nuisances, therefore the rule should not have been approved into the SIP. The District has moved the requirements of this regulation to Regulation 1.12 Control of Nuisances and subsequently, EPA is proposing to remove Regulation 6.03 from the federally-approved SIP. Regulation 1.12 is not included in the federally-approved SIP because it is not related to the District's compliance with the National Ambient Air Quality Standards (NAAQS).

Regulation 6.04 Control of Objectionable Odors in the Ambient Air—The regulation was incorrectly approved into the SIP. EPA has determined that the Agency does not enforce the control of odors, therefore the rule should not have been approved into the SIP. The District has moved the requirements of this regulation to Regulation 1.13 Control of Objectionable Odors in the Ambient Air and subsequently, EPA is proposing to remove Regulation 6.04 from the federally-approved SIP. Regulation 1.13 is not included in the federally-approved SIP because it is not related to the District's compliance with the NAAQS.

Regulation 6.05 Control of Fugitive Particulate Emissions—The District has moved the requirements of this regulation to Regulation 1.14 Control of Fugitive Particulate Emissions and subsequently, EPA is proposing to remove this regulation from the federally-approved SIP.

Regulation 6.06 Control of Open Burning—The District has moved the requirements of this regulation to Regulation 1.11 Control of Open Burning and subsequently, EPA is

proposing to remove Regulation 6.06 from the federally-approved SIP.

Regulation 6.23 Standard of Performance for Existing Dry Cleaning Facilities—The District has removed the requirements of this regulation from the SIP pursuant to the publication of a **Federal Register** notice on February 7, 1996, (61 FR 4588) in which EPA adds perchloroethylene, also known as tetrachloroethylene, to the list of compounds excluded from the definition of VOC. The effective date of this rule was March 6, 1996. Perchloroethylene continues to be regulated as a hazardous air pollutant (HAP) under section 112 of the CAA. Therefore EPA is proposing to remove Regulation 6.23 from the federally-approved SIP.

Regulation 7.04 Control of Fugitive Particulate Emissions—The District has moved the requirements of this regulation to Regulation 1.14 Control of Fugitive Particulate Emissions and subsequently, EPA is proposing to remove Regulation 7.04 from the federally-approved SIP.

Regulation 7.05 Control of Open Burning—The District has moved the requirements of this regulation to Regulation 1.11 Control of Open Burning and subsequently, EPA is proposing to remove Regulation 7.05 from the federally-approved SIP.

C. May 21, 1999 Submittal

On May 21, 1999, the Commonwealth of Kentucky submitted the following revisions to the Jefferson County portion of the Kentucky SIP. EPA is proposing to approve the following changes to the rules listed below which also include a recodification of the rules.

Regulation 1.01 General Application of Regulations and Standards—This revision makes various sentence and word structure changes to add clarity.

Regulation 1.06 Source Self-Monitoring and Reporting—This amendment requires a formal certification by a prescribed "responsible official" of the required reporting information submitted to the District pursuant to this regulation and makes various sentence and word structure changes to add clarity.

Regulation 2.03 Permit Requirements—Non-Title V Construction and Operating Permits and Demolition/Renovation Permits—This revision adds the requirement for an asbestos demolition or renovation abatement project permit to be issued by Jefferson County before a facility is allowed to proceed with destruction. This revision grants the District the option of choosing whether or not to hold a hearing and allows an aggrieved person to request a hearing for a non-Title V permit proposal (e.g. construction of new equipment, operation of facilities, and demolition and renovation of asbestos containing materials).

Regulation 6.09 Standards of Performance for Existing Process Operations—This revision adds the definition "Reasonably Available Control Technology." The revision rectifies the date gap between an existing source (July 2, 1975) and a new source (September 1, 1976). The amendment also adds the opacity standard and mass emission standard and makes language simplifications and technical corrections to add clarity.

Regulation 6.10 Standard of Performance for Existing Process Gas Streams—This amendment includes the performance tests required to be used to demonstrate compliance and the requirement that performance tests shall be conducted according to 40 CFR part 60 Reference Method 11 for hydrogen sulfide and Reference Method 6 for sulfur dioxide. The revision also makes various sentence and word structure changes to add clarity.

Regulation 6.14 Standard of Performance for Selected Existing Petroleum Refining Processes and Equipment—This revision makes various word structure changes to add clarity.

Regulation 6.20 Standard of Performance for Existing Bulk Gasoline Plants—This amendment adds mandatory provisions to permit loading of a tank truck or trailer at bulk gasoline plants in Jefferson County which include the following: a vapor balance system, a pressure tap, an emission monitor during loading operations, and a valid Kentucky pressure-vacuum test sticker. The revision also makes various word structure changes to add clarity.

Regulation 6.21 Standard of Performance for Existing Gasoline Loading Facilities at Bulk Terminals—This amendment adds mandatory provisions to permit loading of a tank truck or trailer at bulk gasoline terminals in Jefferson County which include the following: a vapor balance system, a pressure tap, an emission monitor during loading operations, and a valid Kentucky pressure-vacuum test sticker. The revision adds test procedure requirements as defined in EPA's documents "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals" and "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems." The revision also makes various word structure changes to add clarity.

Regulation 6.22 Standard of Performance for Existing Volatile Organic Materials Loading Facilities—This revision makes various sentence and word structure changes to add clarity.

Regulation 6.24 Standard of Performance for Existing Sources Using Organic Materials—This revision makes various sentence and word structure changes to add clarity.

Regulation 6.31 Standard of Performance for Existing Miscellaneous Metal Parts and Products Surface-Coating Operations—The amendments to the rule replaces the 85 percent efficiency requirement and bases the new standard on mass of VOC per unit volume of coating applied for various coating types. The revision also adds the definition "Extreme performance coating" and the revision makes various sentence and word structure changes to add clarity.

Regulation 6.39 Standard of Performance for Equipment Leaks of Volatile Organic Compounds in Existing Synthetic Organic Chemical and Polymer Manufacturing Plants—This revision adds the exemption of facilities that are also subject to 40 CFR part 63, subpart H to eliminate duplication of requirements and makes various sentence and word structure changes to add clarity.

Regulation 6.42 Reasonably Available Control Technology Requirements for Major Volatile Organic Compound-and Nitrogen Oxides-Emitting Facilities—This revision adds the requirement that District-approved site-specific NOX RACT plans pursuant to this regulation must be submitted to EPA as a site-specific SIP revision. The revision includes the reference to pertinent District and federal regulations intended to establish RACT requirements for VOC emitting sources and makes various sentence and word structure changes to add clarity.

Regulation 6.44 Standards of Performance for Existing Commercial Motor Vehicle and Mobile Equipment Refinishing Operations—This revision amends the definition of "Group I vehicles and equipment" to include camper shells, pick-up truck toppers, and light and medium duty trailers that require special color-matched coatings and adds the definitions of "Large-sized truck" and "Small-sized truck." The revision establishes the VOC content of surface cleaners and the proper usage and dispensing techniques. The amendment revises the equipment standards and operation requirements for all coating operators that use more than 25 gallons of coatings per year to include proper ventilation of coating

operation areas. The revision also makes various sentence and word structure changes to add clarity.

Regulation 6.46 Standards of Performance for Existing Ferroalloy and Calcium Carbide Production Facilities—This revision adds a new regulation which establishes the provisions for the control of emissions from existing ferroalloy and calcium carbide production facilities.

Regulation 7.06 Standards of Performance for New Indirect Heat Exchangers—This revision makes various sentence and word structure changes to add clarity.

Regulation 7.07 Standard of Performance for New Incinerators—This amendment clarifies that this regulation does not apply to any medical waste incinerator, existing or new, as defined in Jefferson County local Regulations 6.41 or 7.78 and any new municipal solid waste incinerator as defined in Regulation 7.76. The amendment includes a provision that no owner or operator of an affected facility up to 499 lbs/hr capacity shall cause any gases to be discharged into the atmosphere which contain particulate matter in excess of 0.45 g/dscm (0.20 gr/dscf) corrected to 12% carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel. The revision also makes various sentence and word structure changes to add clarity.

Regulation 7.08 Standards of Performance for New Process Operations—This revision rectifies the date gap between an existing source (July 2, 1975) and a new source (September 1, 1976) and makes language simplifications and technical corrections to add clarity.

Regulation 7.09 Standards of Performance for New Process Gas Streams—This revision amends the standard for hydrogen sulfide to prohibit the combustion of a process gas stream containing hydrogen sulfide with a concentration greater than 10 grains per 100 dscf at zero percent excess oxygen unless the resulting emission of sulfur dioxide is less than 40 tons per year and a modeling demonstration is made showing attainment and maintenance of the NAAQS for sulfur dioxide. The existing standard for hydrogen sulfide is based on preliminary inlet hydrogen sulfide concentrations. This revision amends the rule to base the standard on the actual outlet emission concentration of sulfur dioxide and maintaining compliance. The revision also allows a higher concentration of sulfur dioxide emissions if the total sulfur dioxide emission is less than 40 tons per year and a modeling demonstration is made that shows attainment and maintenance of the sulfur dioxide NAAQS. The revision also makes various sentence and word structure changes to add clarity.

Regulation 7.15 Standards of Performance for Gasoline Transfer To New Service Station Storage Tanks (Stage I Vapor Recovery)—This revision adds the definition of "Submerged fill pipe" and amends the definition of "Affected facilities" to specify gasoline storage tanks at service stations with a capacity greater than 250 gallons each. The revision includes additional provisions to require a vapor return hose connection between the tank of the delivery truck and the storage tank receiving the product and a one minute time restriction to open the truck tank hatch for visual inspection. It also requires that all above ground lines must be equipped with dry breaks to prevent spillage and all other lines must be gravity drained for no spillage and adds the requirement for operation and maintenance of applicable equipment with no defects. The revision includes the requirement that affected facilities must obtain a construction or reconstruction permit before commencing a project and must notify Jefferson County of the replacement, addition, or change of any required equipment except for the routine replacement of gaskets. The revision also makes various sentence and word structure changes to add clarity.

Regulation 7.20 Standard of Performance for New Gasoline Loading Facilities at Bulk Plants—This amendment includes mandatory provisions to permit loading of a tank truck or trailer at affected facilities in Jefferson County which include the following: a vapor balance system, a pressure tap, an emission monitor during loading operations, and a valid Kentucky pressure-vacuum test sticker. The revision also makes various word structure changes to add clarity.

Regulation 7.22 Standard of Performance for New Volatile Organic Materials Loading Facilities—This revision adds a new regulation which provides for the control of emissions from new volatile organic materials loading facilities and applies to facilities that load more than 200 gallons per day of volatile organic materials. It establishes the provisions for the control of volatile organic materials. Gasoline loading facilities are exempt from this regulation but are subject to the requirements of Regulation 6.21 and Regulation 7.20.

Regulation 7.51 Standard of Performance for New Liquid Waste Incinerators—This revision adds the definition "Halogenated liquid wastes" and establishes the VOC standard, equipment standards and expands the recordkeeping requirements to include provisions for performance tests. The amendment includes mandatory provisions to permit loading of a tank truck or trailer at bulk gasoline plants in Jefferson County which include the following: a vapor balance system, a pressure tap, an emission monitor during loading operations, and a valid Kentucky pressure-vacuum test sticker. The revision also makes various word structure changes to add clarity.

Regulation 7.55 Standard of Performance for New Insulation of Magnet Wire—The revision makes various sentence and word structure changes to add clarity.

Regulation 7.59 Standard of Performance for New Miscellaneous Metal Parts and Products Surface Coating Operations—This revision amends and clarifies the VOC standards for surface coating operations and adds the definition of "Extreme performance coating." The revision also makes various sentence and word structure changes to add clarity.

Regulation 7.77 Standards of Performance for New Blast Furnace Casthouses—This revision adds a new regulation that provides for the control of emissions from new blast furnace casthouses, establishes the standard for particulate matter and references test methods and procedures in 40 CFR part 60, appendix A to be used in compliance with the standards.

The Commonwealth of Kentucky also submitted amendments to *Regulation 2.04 Construction or Modification of Major Sources in or Impacting upon Non-Attainment Areas (Emission Offset Requirements)* of the Jefferson County portion of the Kentucky SIP. EPA is proposing to partially approve this revision of Regulation 2.04. The regulation as revised establishes applicability and requirements for the construction of new stationary sources and major modifications located within, or impacting, areas designated as nonattainment. The revision amends the definition of "Major modification" to be consistent with CAA and EPA requirements, and adds the following definitions to this regulation: "Major stationary source," "Net emission increase," "Potential to emit," "Stationary source," "Building, structure, facility or installation," "Emission unit," "Construction," "Commence," "Necessary preconstruction approvals or permits," "Allowable emissions," "Federally enforceable," "Secondary emissions,"

"Actual emissions," "Fugitive emissions," "Significant," "Lowest Achievable Emission Rate," "Reasonable further progress," "Begin actual construction," "Class I area," "Adverse impact on visibility," "State Implementation Plan," "Mandatory Class I federal area," "Natural conditions," and "Visibility impairment." The revision establishes procedures for the initial screening analysis and determination of applicable requirements. The revision also establishes applicable requirements for new major sources or major modifications located in designated attainment or unclassifiable areas that may cause significant impact on the area's attainment of the NAAQS. Finally, the revision establishes the baseline for determining credit for emission reductions or offsets. EPA has determined that all of Regulation 2.04 as amended is approvable with the exception of subsection 3.2. The first sentence in subsection 3.2 requires the District to determine if a major stationary source or major modification is being constructed in a designated non-attainment area. The second and final sentence states that the applicability of the requirement to obtain offsets will be determined based on the projected attainment status of the area as of the new source start-up date. EPA cannot approve subsection 3.2 because this final sentence conflicts with existing EPA policy, which requires that the applicability of the offset requirement be based on the actual attainment status of the area as of the construction permit issuance date. EPA is therefore proposing to take no action on this subsection. Subsection 3.2 constitutes a completely separable portion of Regulation 2.04, since subsection 1.1 of this regulation effectively requires a determination of whether a source or major modification is being constructed in a non-attainment area for purposes of establishing applicability. Thus, the omission of subsection 3.2 does not affect the completeness or approvability of Regulation 2.04.

Jefferson County requested the following regulations to be removed from the SIP and supplemented the May 21, 1999, submittal with a negative declaration to guarantee there are no existing sources located in Jefferson County that are subject to the following rules. This action proposes to remove the following regulations from the federally-approved SIP.

Regulation 6.11 Standards of Performance for Existing Iron and Steel Plants,

Regulation 6.25 Standard of Performance for Existing Sanitary Landfills,

Regulation 7.10 Standards of Performance for New Steel Plants Using Basic Oxygen Process Furnaces,

Regulation 7.13 Standards of Performance for New Petroleum Refineries,

Regulation 7.16 Standard of Performance for New Large Appliance Surface Coating Operations,

Regulation 7.17 Standard of Performance for New Automobile and Light Duty Truck Surface Coating Operations,

Regulation 7.19 Standard of Performance for New Metal Furniture Surface Coating Operations,

Regulation 7.21 Standards of Performance for New Gasoline Loading Facilities at Bulk Terminals,

Regulation 7.24 Standards of Performance for New General Surface Coating Operations,

Regulation 7.26 Standard of Performance for New Sanitary Landfills,

Regulation 7.27 Standards of Performance for New Portland Cement Plants,

Regulation 7.28 Standard of Performance for New Nitric Acid Plants,

Regulation 7.29 Standard of Performance for New Sulfuric Acid Plants,

Regulation 7.30 Standard of Performance for New Secondary Lead Smelters,

Regulation 7.31 Standards of Performance for New Secondary Brass and Bronze Ingot Production Plants,

Regulation 7.32 Standard of Performance for New Sewage Treatment Plants,

Regulation 7.33 Standard of Performance for New Kraft Paper Mills,

Regulation 7.37 Standard of Performance for New Primary Copper Smelters,

Regulation 7.38 Standard of Performance for New Primary Zinc Smelters,

Regulation 7.39 Standard of Performance for New Primary Lead Smelters,

Regulation 7.40 Standard of Performance for New Primary Aluminum Reduction Plants,

Regulation 7.41 Standard of Performance for New Wet Process Phosphoric Acid Plants,

Regulation 7.42 Standard of Performance for New Superphosphoric Acid Plants,

Regulation 7.43 Standard of Performance for New Diammonium Phosphate Plants,

Regulation 7.44 Standard of Performance for New Triple Superphosphate Plants,

Regulation 7.45 Standard of Performance for New Granular Triple Superphosphate Storage Facilities,

Regulation 7.46 Standard of Performance for New Coal Preparation Plants,

Regulation 7.47 Standard of Performance for New Ferroalloy Production Plants,

Regulation 7.48 Standard of Performance for Steel Plants and Foundries Using New Electric Arc Furnaces,

Regulation 7.49 Standard of Performance for New Grain Elevators,

Regulation 7.50 Standard of Performance for New Lime Manufacturing Plants,

Regulation 7.53 Standard of Performance for New Can Surface Coating Operations,

Regulation 7.54 Standard of Performance for New Coil Surface Coating Operations,

Regulation 7.61 Standard of Performance for New Pneumatic Rubber Tire Manufacturing Plants,

Regulation 7.62 Standard of Performance for Stationary Gas Turbine,

Regulation 7.63 Standard of Performance for New Electric Utility Steam Generating Units, and

Regulation 7.64 Standard of Performance for New Ammonium Sulfate Manufacturing Units.

Jefferson County requested that EPA remove Regulation 7.02 Control of Nuisances from the federally-approved SIP. This regulation was incorrectly approved into the SIP. EPA has determined that the Agency does not enforce the control of nuisances, therefore the rule should not have been approved into the SIP. The District has moved the requirements of this regulation to Regulation 1.12 Control of Nuisances and subsequently, EPA is proposing to remove Regulation 7.02 Control of Nuisances from the federally-approved SIP. Regulation 1.12 Control of Nuisances is not approved into the federally-approved SIP because it is not related to the District's compliance with the NAAQS.

Jefferson County requested that EPA remove Regulation 7.23 Standard of Performance for New Perchloroethylene Dry Cleaning Systems from the federally-approved SIP. This revision is pursuant to the publication of a **Federal Register** document on February 7, 1996, (61 FR 4588) in which EPA adds perchloroethylene, also known as tetrachloroethylene, to the list of

compounds excluded from the definition of VOC. The effective date of this rule was March 6, 1996. Perchloroethylene continues to be regulated as a hazardous air pollutant (HAP) under section 112 of the CAA. This action proposes to remove Regulation 7.23 Standard of Performance for New Perchloroethylene Dry Cleaning Systems from the federally-approved SIP.

D. July 20, 1999 Submittal

On July 20, 1999, the Commonwealth of Kentucky submitted the following revisions to the Jefferson County portion of the Kentucky SIP. EPA is proposing to approve these changes to the rules listed below which also include a recodification of the rules.

Regulation 2.11 Air Quality Model Usage—This amendment removes all sections except Section 1 which adds a reference to 40 CFR part 51, appendix W to Guideline on Air Quality Models for guidance regarding the use of air quality modeling to support the use of emission reduction credits; and Jefferson County maintains authority to review and approve, on a case-by-case basis, the use of alternative or modified models performed for non-regulatory programs.

Regulation 6.48 Standard of Performance for Existing Bakery Oven Operations—This amendment adds a new rule to establish the procedure for calculating VOC emissions for existing bakery oven operations, defines applicable terms, includes the method for calculating the VOC emissions from bakery ovens, and includes record keeping requirements. Sources with a daily production rate of less than one ton of yeast-leavened bread are exempt from this regulation.

The following regulation revisions make administrative changes that do not alter the sense, meaning, or effect of the rule. Examples of these administrative changes include recodification, rewording of headnotes, changing capitalization, spelling, punctuation, and typographical errors. The administrative revisions to the following regulations make various sentence and word structure changes to add clarity.

Regulation 1.05 Compliance with Emission Standards and Maintenance Requirements,
Regulation 1.10 Circumvention,
Regulation 2.01 General Application,
Regulation 2.09 Causes for Permit Suspension,
Regulation 3.01 Purpose of Standards and Expression of Non-Degradation Intention,
Regulation 3.02 Applicability of Ambient Air Quality Standards,
Regulation 3.03 Definitions,
Regulation 3.05 Methods of Measurement,
Regulation 4.01 General Provisions for Emergency Episodes,
Regulation 4.02 Episode Criteria,
Regulation 4.03 General Abatement Requirements,
Regulation 4.04 Particulate and Sulfur Dioxide Reduction Requirements,
Regulation 4.05 Hydrocarbon and Nitrogen Oxides Reduction Requirements,
Regulation 4.06 Carbon Monoxide Reduction Requirements,
Regulation 6.07 Standards of Performance for Existing Indirect Heat Exchangers,
Regulation 6.08 Standard of Performance for Existing Incinerators,
Regulation 6.12 Standard of Performance for Existing Asphalt Paving Operations,
Regulation 6.13 Standard of Performance for Existing Storage Vessels for Volatile Organic Compounds,
Regulation 6.16 Standard of Performance for Existing Large Appliance Surface Coating Operations,
Regulation 6.18 Standards of Performance for Existing Solvent Metal Cleaning Equipment,
Regulation 6.19 Standard of Performance for Existing Metal Furniture Surface Coating Operations,
Regulation 6.26 Standards of Performance for Existing Volatile Organic Compound Water Separators,
Regulation 6.27 Standards of Performance for Existing Liquid Waste Incinerators,
Regulation 6.28 Standard of Performance for Existing Hot Air Aluminum Atomization Processes,
Regulation 6.29 Standard of Performance for Existing Graphic Arts Facilities Using Rotogravure and Flexography,
Regulation 6.30 Standard of Performance Existing Factory Surface Coating Operations of Flat Wood Paneling,
Regulation 6.32 Standard of Performance for Leaks from Existing Petroleum Refinery Equipment,
Regulation 6.33 Standard of Performance for Existing Synthesized Pharmaceutical Product Manufacturing Operations,
Regulation 6.34 Standard of Performance for Existing Pneumatic Rubber Tire Manufacturing Plants,
Regulation 6.35 Standard of Performance for Existing Fabric, Vinyl, and Paper Surface Coating Operations,
Regulation 6.38 Standard of Performance for Existing Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industries,
Regulation 6.40 Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control),
Regulation 7.11 Standard of Performance for New Asphalt Paving Operations,
Regulation 7.12 Standard of Performance for New Storage Vessels for Volatile Organic Compounds,
Regulation 7.14 Standard of Performance for Selected New Petroleum Refining Processes and Equipment,
Regulation 7.18 Standards of Performance for New Solvent Metal Cleaning Equipment,
Regulation 7.34 Standard of Performance for New Sulfite Pulp Mills,
Regulation 7.35 Standard of Performance for New Ethylene Producing Plants,
Regulation 7.36 Standard of Performance for New Volatile Organic Compound Water Separators,
Regulation 7.52 Standard of Performance for New Fabric, Vinyl, and Paper Surface Coating Operations,
Regulation 7.56 Standard of Performance for Leaks from New Petroleum Refinery Equipment,
Regulation 7.57 Standard of Performance for New Graphic Arts Facilities Using Rotogravure and Flexography,
Regulation 7.58 Standard of Performance for New Factory Surface Coating Operations of Flat Wood Paneling, and
Regulation 7.60 Standard of Performance for New Synthesized Pharmaceutical Product Manufacturing Operations.

E. September 22, 2000 Submittal

On September 22, 2000, the Commonwealth of Kentucky submitted the following revisions to the Jefferson County portion of the Kentucky SIP. EPA is proposing to approve these changes to the rules listed below.

Regulation 7.01 General Provisions—This revision makes various sentence and word structure changes to add clarity to this regulation regarding standards of performance for new affected facilities. The revision also amends this regulation to require subject sources to comply with Regulation 6.16 Standard of Performance for Existing Large Appliance Surface Coating Operations and Regulation 6.17 Standard of Performance for Existing Automobile

and Truck Surface Coating Operations on the basis of a calendar-day averaging period. This amendment ensures that the removal of Regulation 7.16 Standard of Performance for New Large Appliance Surface Coating Operations and Regulation 7.17 Standard of Performance for New Automobile and Light Duty Truck Surface from the SIP, as requested by Jefferson County on May 21, 1999, will not result in a relaxation of the compliance requirements for these sources. The revision also requires subject sources to demonstrate compliance with Regulation 6.17 using capture efficiency as measured in accordance with Regulation 1.05 Compliance with Emission Standards and Maintenance Requirements.

Regulation 7.81 Standard of Performance for New or Modified Bakery Oven Operations—This revision adds a new regulation that provides for the quantification and control of VOC emissions from new or modified bakery oven operations that exceed 150 pounds of VOC emissions per day. The regulation applies to bakeries that produce bread, rolls, buns, and similar products, but not to those that produce non-yeast-leavened products. The regulation also establishes the standards and methods for control of VOC emissions, testing requirements, method for calculating VOC emissions, exemptions, and recordkeeping requirements.

Regulation 8.01 Mobile Source Emissions Control Requirements—This revision makes various sentence and word structure changes to add clarity, and to increase the vehicle test fee to $11.00 in order to fully fund the District Vehicle Emissions Testing (VET) program. Three revisions were also made to comply with Kentucky legislative changes that were enacted during the 2000 session that require local vehicle inspection/maintenance (I/M) programs to more closely follow the format of the state I/M program. First, the fleet subject to VET was redefined to exclude motorcycles, vehicles older than 1968 model year and trucks over 18,000 pounds. Second, the existing enforcement mechanism used against noncompliant vehicle owners, which relied on computer matching of records and civil court action, was replaced with a registration revocation process that is implemented by the Commonwealth. Third, some of the requirements for issuance of certain types of certificates were modified; minor changes were made to the reciprocal testing requirement and to the allowable exemptions for military personnel living outside of the area. The District provided documentation that the above changes were estimated to have a de minimus impact on the emission reduction capability of the program.

Regulation 8.02 Vehicle Emissions Testing Procedure—This regulation was revised to remove all testing requirements for motorcycles and vehicles older than 1968 model year. The regulation was also revised to remove the outdated idle mode exhaust gas emissions test procedure, which is no longer used.

II. Revised IBR Format Being Proposed for Approval By EPA in This Action

A. Background

Each State is required to have a SIP which contains the control measures and strategies which will be used to attain and maintain the NAAQS. The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each state after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must take formal action to approve or disapprove.

Once these control measures are approved by EPA after notice and comment, they are incorporated into the SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual state regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the citation of a given state regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and insures that the state is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a state not enforce its SIP-approved regulations.

The SIP is a living document which can be revised by a state as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions which may contain new and/or revised regulations. On May 22, 1997, (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIP regulations, as a result of consultations between EPA and Office of Federal Register. EPA began the process of developing (1) a revised SIP document for each state that would be IBR under the provisions of 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR, and (3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, (62 FR 27968) **Federal Register**. On May 27, 1999 (64 FR 28748), EPA revised the format of 40 CFR part 52 for materials submitted by the Commonwealth of Kentucky that are IBR into the Kentucky SIP. This action is proposing to revise the format for materials that are IBR into the Jefferson County portion of the Kentucky SIP.

B. Content of Revised IBR Document

The new SIP compilations contain the federally-approved portion of regulations and source specific SIP revisions submitted by each state agency. These regulations and source specific SIP revisions have all been approved by EPA through previous rule making actions in the **Federal Register** or are being proposed for approval in this **Federal Register**.

Each compilation consists of two parts. Part 1 contains the regulations and part 2 contains the source specific SIP revisions that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific SIP revision. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these states. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations on an annual basis. The Region 4 EPA Office developed and will maintain the compilation for Jefferson County, Kentucky. A copy of the full text of a state's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the Clean Air Act (CAA).

C. Revised Format of the "Identification of Plan" Sections in Each Subpart

In order to better serve the public, EPA is proposing to revise the organization of the "Identification of plan" section and including additional information which will make it clearer as to what provisions constitute the enforceable elements of the SIP.

The revised Identification of plan section will contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA-approved regulations, (d) EPA-approved source-specific SIP revisions, and (e) EPA-approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

D. Enforceability and Legal Effect

All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraphs (c), (d) or (e) of the applicable identification of plan found in each subpart of 40 CFR part 52. To facilitate enforcement of previously-approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original "Identification of Plan" section, previously appearing in the CFR as the first or second section of part 52 for each State subpart. After an initial two year period, EPA will review its experience with the new system and enforceability of previously-approved SIP measures, and will decide whether or not to retain the "Identification of plan" appendices for some further period.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely proposes to approve state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 7, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–15616 Filed 6–20–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6999–8]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Tomah Fairgrounds Landfill Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region V is issuing a notice of intent to delete the Tomah Fairgrounds Landfill Superfund Site (Site) located in Tomah, Wisconsin, from the National Priorities List (NPL) and requests public comments on this notice of intent. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR Part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Wisconsin, through the Wisconsin Department of Natural Resources, have determined that all appropriate response actions under CERCLA, other than operation and maintenance and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund. In the "Rules and Regulations" Section of today's **Federal Register**, we are publishing a direct final notice of deletion of the Tomah Fairgrounds Landfill Superfund Site without prior notice of intent to delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final deletion. If we receive no adverse comment(s) on the direct final notice of deletion, we will not take further action on this notice of intent to delete. If we receive adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on this notice of intent to delete. We will not institute a second

comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

DATES: Comments concerning this Site must be received by July 23, 2001.

ADDRESSES: Written comments should be addressed to: Bri Bill, Community Involvement Coordinator, U.S. EPA (P–19J), 77 W. Jackson, Chicago, IL, 60604 or fax (312) 353–1155.

FOR FURTHER INFORMATION CONTACT: David Linnear, Remedial Project Manager at (312) 886–6104, or Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253 or 1–800–621–8431, Superfund Division, U.S. EPA (SR–6J), 77 W. Jackson, IL 60604.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

Information Repositories

Repositories have been established to provide detailed information concerning this decision at the following address: U.S. EPA Region V Library, 77 W. Jackson, Chicago, IL 60604, (312) 353–5821, Monday through Friday 8:00 a.m. to 4:00 p.m.; Tomah Public Library, 716 Superior Ave., Tomah, WI 54660 Library, (608) 374–7470, Monday through Thursday 9:00 a.m. to 8:00 p.m. and Friday and Saturday 9:00 a.m. to 5:00 p.m.; Wisconsin Department of Natural Resources, 101 S. Webster Street, Madison, Wisconsin, (608) 266–2111, Monday through Friday 7:45 a.m. to 4:30 p.m.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: June 12, 2001.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 01–15480 Filed 6–20–01; 8:45 am]

BILLING CODE 6560–50–U

Notices

Federal Register
Vol. 66, No. 120
Thursday, June 21, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–024–1]

Availability of Environmental Assessment for Field Release of Genetically Engineered Pink Bollworm

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment has been prepared for a proposed confined release into the environment of pink bollworm genetically engineered to express green fluorescence as a marker. The purpose of the release is to develop a marked strain of pink bollworm for performance studies in the pink bollworm sterile insect program. This environmental assessment is available to the public for review and comment.

DATES: We will consider all comments that we receive by July 23, 2001.

ADDRESSES: Please send four copies (an original and three copies) of your comments to: Docket No. 01–024–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 01–024–1.

You may read a copy of the environmental assessment and any comments we receive on this notice of availability at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. To be sure that someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Robert I. Rose, Biotechnology Assessments Section, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–8723. To obtain a copy of the environmental assessment, contact Ms. Kay Peterson at (301) 734–4885; e-mail: kay.peterson@aphis.usda.gov.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained or a notification acknowledged before a regulated article may be introduced into the United States. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, and release into the environment of a regulated article.

On January 29, 2001, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 01–029–01r) from APHIS' Plant Protection Center in Phoenix, AZ, for a permit to release the plant pest pink bollworm (PBW), *Pectinophora gossypiella*(Lepidoptera: Gelechiidae). The subject PBW has been genetically engineered to express an enhanced green fluorescent protein (EGFP) derived from the jellyfish *Aequora victoria*. The PBW expressing EGFP fluoreses when viewed under an ultraviolet light source. A *piggyBac* transposable element derived from the plant pest cabbage looper (*Trichoplusia ni*) was used to transform the subject PBW, and expression of the EGFP is controlled through use of the *Drosophila melanogaster* hsp70 and *Bombyx mori* actin A3 promoters. The subject transgenic PBW is considered a regulated article under the regulations in 7 CFR part 340 because the recipient organism is a plant pest and because it contains gene sequences from a plant pest. The proposed field test will be conducted under carefully controlled and confined conditions.

The transgenic PBW with EGFP as a marker has been developed for use in confined on site experimentation and field performance studies in the PBW sterile insect program, which is designed to depress PBW populations. The transgenic PBW will be reared in the Phoenix PBW genetic rearing facility, sterilized with radiation, and placed in escape-proof screen field cages near the facility, where they will undergo a series of fitness and related tests.

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts and plant pest risk associated with the proposed release of the transgenicEGFP PBW, an environmental assessment (EA) has been prepared. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA ImplementingProcedures (7 CFR part 372).

Done in Washington, DC, this 15th day of June 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–15604 Filed 6–20–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Elm Fork Watershed of the Trinity River Watershed, Cooke County, Texas, Multiple-Purpose Structure No. 19

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service,

U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Elm Fork Watershed, Multiple-Purpose Structure (MPS) No. 19, Cooke County, Texas.

FOR FURTHER INFORMATION CONTACT: Salvador Salinas, Assistant State Conservationist (SP&P), Natural Resources Conservation Service, 101 South Main, Temple, Texas 76501–7682, Telephone (254) 742–9800.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, John P. Burt, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project will provide municipal water and recreational activities for the city of Muenster, Texas and reduce flooding and improve surface water quality in and below MPS No. 19. The environmental assessment addresses the installation of the Multiple-Purpose Structure (MPS No. 19) that remains to be installed.

Installation of the site, including dam, emergency spillway, and municipal water pool, will require 359 acres. The dam and emergency spillway will be planted to grasses that have wildlife values. A mitigation plan has been developed to offset the loss of any wildlife habitat. The fee title area needed for the structure will be fenced to control livestock, therefore greatly benefiting ground nesting birds. The structure will affect 185 acres of prime farmland. Downstream flooding of wildlife habitat will be reduced. No endangered plants or animals or their habitat will be affected. No cultural or historical properties will be affected.

Multiple-Purpose Structure No. 19 will create 309 acres of aquatic habitat creating a fisheries resource where none exists.

Federal assistance will be provided under authority of Public Law 78–534, the Flood Control Act of 1944. Total project costs for Multiple-Purpose Structure No. 19 is estimated to be $6,923,687, of which $3,810,525 will be paid from Public Law 534 funds and $3,113,162 from local funds.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John P. Burt.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: June 8, 2001.

Salvador Salinas,

Assistant State Conservationist (SP&P).

[FR Doc. 01–15579 Filed 6–20–01; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Indiana

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Indiana for review and comment.

SUMMARY: It is the intention of NRCS in Indiana to issue a revised conservation practice standard in Section IV of the FOTG. The revised standards are Grade Stabilization Structure (410), Nutrient Management (590), Tree/Shrub Pruning (660) and Wetland Creation (658). These practices may be used in conservation systems that treat highly erodible land and/or wetlands.

DATES: Comments will be received on or before July 23, 2001.

ADDRESSES: Address all requests and comments to Jane E. Hardisty, State Conservationist, Natural Resources Conservation Service (NRCS), 6013 Lakeside Blvd., Indianapolis, Indiana 46278. Copies of this standard will be made available upon written request. You may submit your electronic requests and comments to darrell.brown@in.usda.gov.

FOR FURTHER INFORMATION CONTACT: Jane E. Hardisty, 317–290–3200.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that after enactment of the law, revisions made to NRCS state technical guides used to carry out highly erodible land and wetland 2 provisions of the law, shall be made available for public review and comment. For the next 30 days, the NRCS in Indiana will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Indiana regarding disposition of those comments and a final determination of changes will be made.

Dated: May 16, 2001.

Jane E. Hardisty,

State Conservationist, Indianapolis, Indiana.

[FR Doc. 01–15580 Filed 6–20–01; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–870, A–560–814, A–557–811, A–485–807, and A–791–812]

Notice of Initiation of Antidumping Duty Investigations: Certain Circular Welded Carbon-Quality Steel Pipe From China, Indonesia, Malaysia, Romania, and South Africa

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Initiation of antidumping duty investigations.

EFFECTIVE DATE: June 21, 2001.

FOR FURTHER INFORMATION CONTACT: James Doyle (China), Steve Bezirganian (Indonesia), Robert James (Romania), and Sally Gannon (Malaysia and South Africa) at (202) 482–0159, (202) 482–1131, (202) 482–0649, and (202) 482–0162, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (the Act), by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (2000).

The Petition

On May 24, 2001, the Department of Commerce (the Department) received a petition filed in proper form by the following parties: Allied Tube & Conduit Corporation, Century Tube Corporation, IPSCO Tubulars, Inc., Laclede Steel, LTV Copperweld, Maverick Tube Corporation, Northwest Pipe Company, Sharon Tube Company,

Western Tube & Conduit Corp., Wheatland Tube Co., and United Steelworkers of America, AFL–CIO (collectively, the petitioners). The Department received information supplementing the petition from the petitioners throughout the 20-day initiation period.

In accordance with section 732(b) of the Act, the petitioners allege that imports of certain circular welded carbon-quality steel pipe from China, Indonesia, Malaysia, Romania, and South Africa are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or are threatening to materially injure, an industry in the United States.

The Department finds that the petitioners filed this petition on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and 771(9)(D) of the Act and have demonstrated sufficient industry support with respect to each of the antidumping investigations that they are requesting the Department to initiate. (*See* the *Determination of Industry Support for the Petition* section below.)

Scope of Investigations

The scope of these investigations covers certain welded carbon quality steel pipes and tubes, of circular cross-section, with an outside diameter of 0.372 inches (9.45 mm) or more, but not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (ASTM, proprietary, or other), generally known as standard pipe and structural pipe.

Standard pipes and tubes are intended for the low-pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may carry liquids at elevated temperatures but may not be subject to the application of external heat. It may also be used for light load-bearing and mechanical applications, such as for fence tubing, and for protection of electrical wiring, such as conduit shells, and for structural applications in general construction. It primarily is made to American Society for Testing and Materials (ASTM) A–53, A–135, and A–795 specifications, but can also be made to the British Standard (BS)–1387 specification.

Structural pipe is intended for use in the construction of bridges and buildings, and general structural applications. It also can be used for making steel scaffolding and for piling applications. It primarily is made to ASTM A–500 and A–252 specifications.

Hence, specifically included within the scope of these petitions are products stenciled to the ASTM standards A–53, A–135 A–795, A–120, A–500, A–252, or their equivalents. Standard and structural pipe products may also be produced to proprietary specifications rather than to industry standard. This is often the case with fence tubing, for example.

The scope does not include boiler tubes, pressure tubing, mechanical tubing, finished conduit, oil country tubular goods (OCTG), and line pipe. However, with regard to these excluded products, if petitioners or other interested parties provide to the Department reasonable grounds to believe or suspect that the products are being used in a standard or structural application, the Department may instruct the U.S. Customs Service (Customs) to require end-use certifications. In addition, line pipe meeting the American Petroleum Institute (API) line pipe specification is excluded from the scope of these investigations, and any resultant antidumping duty orders, if covered by the scope of another antidumping duty order from the same country.

The pipe products that are the subject of these investigations are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7306.30.10 and 7306.30.50. This petition also covers dual-certified A–53/API or single certified pipe that enters the United States if it is used in, or intended for use in, standard pipe or structural pipe applications. Such certified pipe may include API–5L or API–5L X–42 pipe. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioners to ensure that it accurately reflects the product for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations (62 FR 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments by July 3, 2001. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determinations.

Determination of Industry Support for the Petition

Section 771(4)(A) of the Act defines the "industry" as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (*see* section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition. Moreover, the petitioners do not offer a definition of domestic like product distinct from the scope of the investigations.

In this case, "the article subject to investigation" also is substantially similar to the scope of the Department's antidumping duty administrative review involving circular welded non-alloy steel pipe published in 2001. *See Circular Welded Non-Alloy Steel Pipe From Mexico: Final Results of*

[1] *See Algoma Steel Corp. Ltd.*, v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefore from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

Antidumping Duty Administrative Review, 66 FR 21311 (April 30, 2001). Thus, based on our analysis of the information presented to the Department above, we have determined that there is a single domestic like product which is defined in the *Scope of Investigations* section above, and have analyzed industry support in terms of this domestic like product.

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Ten U.S. producers of the domestic like product, and the trade union which represents its workers, are petitioners in this case. Petitioners assert that they represent 79.1 percent of the domestic industry production of the noted pipe, based on the appropriate AISI final data for 2000, in addition to their own production data. (*See Amendment to the Petition* at 10 and Exhibits 9 and 10 (June 6, 2001).) Furthermore, the Department received no opposition to the petition. Therefore, the requirements of section 732(c)(4)(A)(i) are met. In addition, we conclude that the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition. Thus, the requirements of section 732(c)(4)(A)(ii) are also met.

Accordingly, the Department determines that the petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. *See* the *Import Administration AD Investigation Checklist*, June 13, 2001 (*Initiation Checklist*) (public version on file in the Central Records Unit of the Department of Commerce, Room B–099).

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which the Department has based its decision to initiate these investigations. The sources of data for the deductions and adjustments relating to home market price, U.S. price, constructed value (CV) and factors of production (FOP) are detailed in the *Initiation Checklist*. Where the petitioners obtained data from foreign market research, we contacted the researcher to establish its credentials and to confirm the validity of the information being provided. *See* Memorandum to the File from Sally C. Gannon, Contacts with Source of Market Research for Antidumping Petition Regarding Imports of Certain Circular Welded Carbon-Quality Steel Pipe from Malaysia and South Africa (June 13, 2001) (Market Research for Malaysia and South Africa), and Memorandum to the File from Helen M. Kramer through Steve Bezirganian, Telephone Conversation with Market Researcher (June 13, 2001) (Market Research for Indonesia). Should the need arise to use any of this information as facts available under section 776 of the Act in our preliminary or final determinations, we may re-examine the information and revise the margin calculations, if appropriate.

The anticipated period of investigation (POI) for the market economy countries is April 1, 2000, through March 31, 2001, while the anticipated POI for China and Romania, the non-market economy (NME) countries, is October 1, 2000, through March 31, 2001.

Regarding an investigation involving an NME, the Department presumes, based on the extent of central government control in an NME, that a single dumping margin, should there be one, is appropriate for all NME exporters in the given country. *See, e.g., Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the PRC*, 59 FR 22585 (May 2, 1994). In the course of these investigations, all parties will have the opportunity to provide relevant information related to the issues of China's and Romania's NME status and the granting of separate rates to individual exporters.

Lastly, export price (EP) for four of the subject countries was based on the Customs value data published by the Department's Bureau of the Census (IM–145 data). Specifically, the petitioners calculated the average unit values (AUVs) of certain circular welded carbon-quality steel pipe entering the United States from China, Indonesia, Romania, and South Africa during the respective POIs, and made the applicable adjustments to the AUVs. For Malaysia, petitioners obtained a price quote for EP based on foreign market research. The margins calculated using these methodologies are as follows: China, 105.32 to 134.12 percent; Indonesia, 3.32 to 29.38 percent; Malaysia, 20.2 percent; Romania, 122.12 to 149.63 percent; and South Africa, 81.7 percent.

Because the Department considers the country-wide import statistics for the POI through March 2001 and price quotes based on market research used to calculate the estimated margins for the subject countries to be sufficient for purposes of initiation, we are initiating these investigations on these bases, as discussed below and in the *Initiation Checklist*.

China

Export Price

Petitioners based export price (EP) on import values declared to Customs (IM–145 data). In calculating the AUVs, the petitioners used the HTSUS categories corresponding to the four-inch black plain end pipe (BPE) and four-inch galvanized plain end pipe (GPE) subject to their petition, and also used the average AUV for the POI. Petitioners have used the free alongside ship (F.A.S.) Customs values as the F.O.B. price of the merchandise, packaged and ready for delivery at the foreign port. To approximate ex-factory prices, petitioners deducted foreign inland freight from the Customs value. Petitioners calculated average foreign inland freight charges using estimated atlas distances and Indian freight rates as a surrogate value. For purposes of initiation we have found this to be a reasonable estimate.

Normal Value

The petitioners asserted that the PRC is a non-market economy (NME) and no determination to the contrary has yet been made by the Department. In previous investigations, the Department has determined that the PRC is an NME. *See, e.g., Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China; Notice of Preliminary Results of Antidumping Duty Administrative Review (Hot-Rolled from China)*, 66 FR 22183 (May 31, 2001), *Steel Wire Rope from the People's Republic of China; Notice of Final Determination of Sales at Less Than Fair Value (Steel Wire Rope from China)*, 66 FR 12759 (February 28, 2001). In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. The presumption of NME status for the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation.

For NV, the petitioners based the FOP, as defined by section 773(c)(3) of the Act, on the consumption rates of one U.S. hot-rolled steel producer. The petitioners assert that information

regarding Chinese producers' consumption rates is not available, and that the U.S. producer employs a production process which is similar to the production processes employed by producers of certain circular welded carbon-quality steel pipe in the PRC. Thus, the petitioners have assumed, for purposes of the petition, that producers in the PRC use the same inputs in the same quantities as the U.S. producer in question uses. Based on the information provided by the petitioners, we believe that the petitioners' FOP methodology represents information reasonably available to the petitioners and is appropriate for purposes of initiating this investigation.

The petitioners assert that India is the most appropriate surrogate country for the PRC, claiming that India is: (1) A market economy; (2) a significant producer of comparable merchandise; and (3) at a level of economic development comparable to the PRC in terms of per capita GNP. Based on the information provided by the petitioners, we believe that the petitioners' use of India as a surrogate country is appropriate for purposes of initiating this investigation.

In accordance with section 773(c)(4) of the Act, the petitioners valued FOP, where possible, on reasonably available, public surrogate data from India. Materials, with the exception of natural gas, were valued based on Indian import values, as published in the *1998 and 1999 Monthly Statistics of Foreign Trade of India*, and inflated based on the Indian Wholesale Price Index. Surrogate value data from India for natural gas was not available; petitioners instead used an Indonesian surrogate value for national gas. Labor was valued using the regression-based wage rate for the PRC provided by the Department, in accordance with 19 CFR 351.408(c)(3). Electricity was valued using *Energy Prices and Taxes, Second Quarter 2000*, published by the Organization for Economic Cooperation and Development (OECD) International Energy Agency.

For overhead, depreciation, SG&A expenses, and profit, the petitioners applied rates derived from the financial statements of TATA, an Indian steel producer that produces pipe, as part of its operations. The petitioners calculated the factory overhead expense ratio, depreciation expense ratio and SG&A expense ratio based on TATA's 1999–2000 consolidated statement. Petitioners based profit on net profit before taxes from TATA's 1999–2000 income statement.

Based on the information provided by the petitioners, we believe that the surrogate values represent information reasonably available to the petitioners and are acceptable for purposes of initiating this investigation.

Based upon comparisons of EP to CV, we recalculated estimated dumping margins ranging from 105.32 to 134.12 percent.[2]

Indonesia

Export Price

Petitioners used import values declared to Customs (IM–145 data) to determine average import value during April 2000 to March 2001 (the POI) for four-inch BPE and four-inch GPE, which fall under the headings of HTSUS 7306.30.50.55 and 7306.30.50.32, respectively. Petitioners disregarded the foreign inland freight to the port because the steel company is close to the export port. Petitioners could not obtain information on foreign brokerage, port charges and the Indonesian trading company's markup, and therefore these expenses were not deducted from the Customs values when calculating the estimated dumping margin.

Normal Value

Petitioners obtained a price quote offered by an Indonesian producer to an unaffiliated home market customer in the ordinary course of business and within the POI. The quote was for BPE and GPE. The prices were on a delivered basis, and thus include freight. Petitioners were unable to obtain current actual freight charges and used publicly available information from past antidumping investigations on the Department's web site. They adjusted the 1993 freight rate for inflation using the Indonesian Wholesale Price Index and converted it to U.S. dollars using the average exchange rate for the POI. Normal value was calculated by subtracting the estimated freight charge from the price quotes.

Petitioners also calculated CV for four-inch BPE and four-inch GPE. They used publicly available financial information for PT Bakrie & Brothers, the parent of a major producer of the subject merchandise for which no financial information is available. Petitioners used the depreciation expenses reported in the Statement of Cash Flow to calculate the depreciation rate and derived SG&A and net financial expenses from the consolidated income statement. However, as insufficient information was available to calculate the overhead rate, petitioners omitted it. The financial statements did not report any profit, and none was included in the calculation of CV.

Because the Indonesian producer's costs are unavailable, petitioners obtained the factors usage by a U.S. surrogate for producing a short ton of four-inch BPE and GPE during the period October 2000 through March 2001. For the primary input material, hot-rolled coil, petitioners used the ranged home market price in Indonesia reported in the Petition on Certain Hot-Rolled Carbon Steel Flat Products from Indonesia filed on November 13, 2000, which was within ten percent of the actual price. For other direct materials inputs, petitioners used the AUVs in U.S. dollars for Indonesian imports in 1998 reported in the *U.N. Commodity Trade Statistics*, the latest available. These values were adjusted to March 2001 levels using the U.S. Producer Price Index. The cost of manufacture was reduced by the value of by-products. Petitioners used the cost of electricity for medium industrial service effective since April 1, 2000, as published on the Indonesian Electricity Co. Ltd. East Java Distribution website. The natural gas price for 1998 was obtained from the OECD International Energy Agency publication, *Energy Prices and Taxes*, adjusted for inflation and converted into dollars. Labor cost was calculated using the September 2000 average wage in the basic metals industry in Indonesia from the Statistics Indonesia web site. Petitioners calculated CV by adding cost of production and interest expenses from PT Bakrie & Brothers' consolidated financial statement.

The estimated dumping margins for Indonesia based on a comparison between EP and home market price range between 24.99 and 29.38 percent. Based upon the comparison of EP to CV, the petitioners calculated estimated dumping margins ranging between 3.32 and 22.16 percent.

Malaysia

Export Price

The petitioners based EP on a U.S. price quote of steel pipe imported from Malaysia which is potentially classifiable under HTSUS subheadings 7306.30.50.32 or 7306.10.00. Since 93 percent of the volume of imports potentially classifiable under these two HTSUS subheadings entered the United States under HTSUS number 7306.30.50.32, for purposes of calculating the EP, petitioners assumed that imports of this product from Malaysia would be classified under HTSUS 7306.30.50.32. The product for which petitioners obtained the U.S.

[2] Due to a mathematical error in the margin calculation in the original petition, the margin has decreased by less than one percent.

price quote corresponds to the merchandise in the home market price quote. (*See Normal Value* section below.) This U.S. price quote reflects an F.O.B. price in U.S. dollars. Petitioners obtained information on ocean freight and insurance, normal customs duty, trading company mark-ups and port handling charges and deducted these expenses from the F.O.B. value. Petitioners did not deduct foreign inland transportation since no information was available concerning the delivery distance between the mills and the ports from where the exports embarked.

Normal Value

Petitioners used a price quote obtained by a foreign market researcher for the home market price. The quote represents a selling price (exclusive of taxes and after necessary conversions) in U.S. dollars per net ton during the latter half of March 2001 for the same product for which the U.S. price quote was obtained. While terms of sale were delivered, petitioners did not deduct any amount for inland freight because no information was available concerning the delivery distance between the mill and the customer. As stated above, petitioners did not deduct inland freight from EP, so, according to petitioners, there is no effect on the margin. See *Initiation Checklist.*

The estimated dumping margin for Malaysia based on a comparison between EP and home market price is 20.2 percent.

Romania

Export Price

Petitioners identified Tepro S.A. Iasi as the major Romanian producer/exporter of subject merchandise to the United States. Petitioners based EP on the import values declared to Customs (IM–145 data) for the HTSUS numbers corresponding to the BPE and GPE pipes subject to the petition. Petitioners subtracted estimated domestic inland freight costs incurred to transport the subject merchandise from the factory to the port of export. They based the estimated cost on an Egyptian shipment value that the Department used as the surrogate value for shipping in the investigation of certain hot-rolled carbon steel flat products from Romania.

Normal Value

With respect to NV, petitioners asserted that Romania is an NME country. In previous investigations the Department has determined that Romania is an NME country. (*See Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from Romania*, 66 FR 22194, 22197 (May 3, 2001) (*Hot-Rolled Steel from Romania*); *Final Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania*, 65 FR 39125, 39126 (June 23, 2000).) Pursuant to section 771(18)(C)(i) of the Act, the Department's determination of NME status remains in effect until a contrary determination is made. The Department has not done so with respect to Romania. Petitioners therefore provided factors of production for constructed value (CV) pursuant to section 773(c) of the Act.

The antidumping statute requires that NV for NME producers be determined by valuing the NME factors of production at their cost in the market economy country chosen as a surrogate. (*See* 19 CFR 351.408(a).) The Department is required to use, to the extent possible, the prices of costs of factors of production from a surrogate country that is at a level of economic development comparable to that of Romania, and is also a significant producer of comparable merchandise.

Petitioners selected Egypt as the primary surrogate country for the calculation of the CV, and Jordan as the secondary surrogate country when Egyptian information was not available because both of these countries met the statutory requirements described above. Furthermore, the Department had used Egypt as the surrogate country in the antidumping investigation of hot-rolled steel from Romania. (*See Hot-Rolled Steel from Romania* at 22197.) For the calculation of one factor, the overhead ratio, it used the financial statement of an Indonesian producer because there was no financial statement from either an Egyptian or Jordanian producer that would permit calculation of overhead as a separate element and because the Department had used Indonesia as the surrogate country for Romania in two recent antidumping proceedings. (*See Preliminary Determination of Sales at Less Than Fair Value: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania*, 65 FR 5594, 5598 (February 4, 2000) (*Carbon and Alloy Pipe from Romania Preliminary Results*) and *Preliminary Results of Antidumping Duty Administrative Review and Final Partial Recission of Review: Cut-to-Length Carbon Steel Plate from Romania*, 65 FR 54208, 54210 (September 7, 2000) (*Plate from Romania Preliminary Results*).) As necessary, petitioners inflated non-contemporaneous surrogate values to the POI using IMF International Financial Statistics. It did not make any currency conversions because all values used were denominated in U.S. dollars in the original sources.

Petitioners reported that input quantity information for Romanian producers of certain circular welded carbon quality steel pipe is not readily available. Therefore, they assumed that Romanian producers employed a production process similar to that utilized by domestic producers, and based input quantities on the experience of a U.S. domestic producer.

Petitioners valued hot-rolled coil, lacquer coating, natural gas, and zinc (both input and offset) using 1998 U.N. Commodity Trade Statistics. They valued electricity using an Egyptian value found in a development review report published by the World Bank. They valued labor using the labor rates found on the Department's website. Selling, general, and administrative (SG&A) expenses, financial expenses, profit, and depreciation were valued using data from the financial statement of the Egyptian steel manufacturer Alexandria National Iron & Steel Co. (Alexandria Steel). They valued overhead using data from the financial statement of the Indonesian steel manufacturer Krakatau Steel Co., Ltd. (Krakatau).[3] Petitioners also added a cost for packing labor based on the labor rates on the Department's website. They did not add a value for packing materials because they were unable to obtain information on such materials.

The estimated dumping margins, based on a comparison between U.S. price and constructed NV are 122.12 percent and 149.63 percent.

South Africa

Export Price

The petitioners based EP on the AUV of steel pipe imported from South Africa under the HTSUS subheading 7306.30.50.55 (which corresponds to the merchandise for the home market price quote) for April 2000 through March 2001 (the POI), based on the import values declared to Customs (IM–145 data). Petitioners could not obtain

[3] Petitioners used Krakatau's financial statement rather than that of Alexandria Steel to value overhead because the publicly available financial statements of Alexandria Steel do not contain information to separately calculate the overhead ratio. Furthermore, the Department had used Krakatau's financial statement in the investigation of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania and in the 1998–99 administrative review of cut-to-length carbon steel plate from Romania. *See Carbon and Alloy Steel Pipe from Romania Preliminary Results* at 5598 and *Plate from Romania Preliminary Results* at 54210.

information on South African inland freight, brokerage, port charges, or South African trading company mark-ups, so these expenses were not deducted from the Customs values. According to petitioners, the resulting dumping margin is therefore understated.

Normal Value

Petitioners used data obtained from a foreign market researcher to determine the price charged in the home market. The price quote obtained by the researcher represents a selling price (exclusive of taxes) in U.S. dollars per net ton. The quote uses rand per linear meter as the unit of sale. Petitioners converted the home market price into U.S. dollars per net ton equivalent. Terms of sale were delivered. Petitioners did not deduct any amount for inland freight because it was unclear if the quoted price already included inland freight. According to petitioners, even if the quoted price included inland freight, petitioners had no information regarding delivery distance, so an accurate calculation would be impossible. Petitioners did not deduct inland freight from EP, so there should be no material effect on the margin. Petitioners' consultant found that the producer offers a standard ten percent discount from the list price, and a further 2.5 percent discount for accounts settled in less than 30 days. Petitioners calculated the NV for the product as price per net ton, less the two aforementioned discounts. *See Initiation Checklist.*

The estimated dumping margin for South Africa based on a comparison between EP and home market price is 81.7 percent.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of certain circular welded carbon-quality steel pipe from China, Indonesia, Malaysia, Romania, and South Africa are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV. While the volume of imports from China, using the latest available data, exceeded the statutory threshold of seven percent for a negligibility exclusion, the individual volumes of imports from Indonesia, Malaysia, Romania, and South Africa did not; however, when cumulated, the volumes for these four countries do exceed the threshold. (*See* section 771(24)(A)(ii) of the Act.) The petitioners contend that the industry's injured condition is evident in the declining trends in net operating profits, net sales volumes, profit-to-sales ratios, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and have determined that these allegations are properly supported by accurate and adequate evidence and meet the statutory requirements for initiation. *See Initiation Checklist.*

Initiation of Antidumping Investigations

Based upon our examination of the petitions on certain circular welded carbon-quality steel pipe, and the petitioners' responses to our supplemental questionnaire clarifying the petitions, as well as our conversations with the foreign market researchers who provided information concerning various aspects of the petition, we have found that it meets the requirements of section 732 of the Act. *See Initiation Checklist*, Market Research for Malaysia and South Africa, and Market Research for Indonesia. Therefore, we are initiating antidumping duty investigations to determine whether imports of certain circular welded carbon-quality steel pipe from China, Indonesia, Malaysia, Romania, and South Africa are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the governments of China, Indonesia, Malaysia, Romania, and South Africa. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition, as appropriate.

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine, no later than July 9, 2001, whether there is a reasonable indication that imports of certain circular welded carbon-quality steel pipe from China, Indonesia, Malaysia, Romania, and South Africa are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: June 13, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–15650 Filed 6–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 01–013. *Applicant:* Stanford University, Department of Biological Sciences, Herrin Labs 80, Off Serra Street, Stanford, CA 94305–5020. *Instrument:* Electron Microscope, Model JEM–1230. *Manufacturer:* JEOL Ltd., Japan.

Intended Use: The instrument is intended to be used to carry out a variety of research projects which might include:

1. Ultrastructural studies of cultured hippocampal neurons to identify morphological features of synapse formation,

2. Immuno-labeling studies of various molecules involved in synapse formation between hippocampal neurons,

3. Analysis of the spatial and temporal regulatory circuitry that controls the bacterial cell cycle,

4. Comparative studies of mutant and wild type Drosophila (fruit fly) larvae to identify the role of genes in anatomical features,

5. Immuno-electron microscopy to visualize cellular protein locations in submicron levels in various cell types,

6. Morphological detection of bacterial surface pili, which are virulence factors in many bacterial pathogens,

7. Studies of structural changes in wild type, mutant, and non-virulent cells as they progress through the cell cycle,

8. EM analysis of cellular changes in non-virulent and pathogenic organisms, and

9. Immuno-localization and structural studies of the budding yeast Saccharomyces cerevisiae to identify yeast structures and proteins.

Application accepted by Commissioner of Customs: June 8, 2001.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–15651 Filed 6–20–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. 000404094–1144–02]

RIN 0648–ZA84

Improved Methods for Ballast Water Treatment and Management and Lake Champlain Canal Barrier Demonstration: Request for Proposals for FY 2001

AGENCIES: National Sea Grant College Program, National Oceanic and Atmospheric Administration, Department of Commerce and Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public that the National Sea Grant College Program (Sea Grant) and the U.S. Fish and Wildlife Service (Service) are entertaining proposals to participate in innovative research, outreach, and demonstration projects that address the problems of aquatic invasive species in U.S. waters. In FY 2001 only, Sea Grant expects to make available about $800,000, and the Service $300,000, to support projects to improve ballast water treatment and management in the Chesapeake Bay and the Great Lakes in particular (Sea Grant), and in U.S. coastal and Great Lakes waters in general (Service). Also in FY 2001 only, Sea Grant expects to make available about $95,000 to support projects to reduce the transport of invasive species through the Lake Champlain Canal.

DATES: The deadline for receipt of proposals at the National Sea Grant Office (NSGO) is 5 p.m. EDT, July 24, 2001. Note that late-arriving applications provided to a delivery service on or before July 23, 2001, with delivery guaranteed before 5 p.m. EDT, July 24, 2001, will be accepted for review if the applicant can document that the application was provided to the delivery service with delivery to the address listed below (see **ADDRESSES**) guaranteed prior to the specified closing date and time; and in any event, the proposals are received in the NSGO by 5 p.m. EDT, no later than 2 business days following the closing date. Facsimile transmissions and electronic mail submission of proposals will not be accepted. We anticipate that funding decisions will be made by August 31, 2001, and that successful applicants will be able to initiate projects approximately November 1, 2001.

ADDRESSES: Proposals must be submitted to the National Sea Grant Office at: National Sea Grant College Program, R/SG, Attn: Ballast Water Competition, Room 11841, NOAA, 1315 East-West Highway, Silver Spring, MD 20910 (phone number for express mail applications is 301–713–2435).

FOR FURTHER INFORMATION CONTACT: Leon M. Cammen, Invasive Species Coordinator, National Sea Grant College Program, R/SG, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, or Mary Robinson, Secretary, National Sea Grant Office, 301–713–2435; facsimile 301–713–0799; or Sharon Gross, U.S. Fish and Wildlife Service, 703–358–1718; facsimile 703–358–2044.

SUPPLEMENTARY INFORMATION:

I. Program Authority

Authority: 16 U.S.C. 4701 *et seq.*; 33 U.S.C. 1121–1131.

Catalog of Federal Assistance Number: 11.417, Sea Grant Support; 15.FFA, Fish and Wildlife Management Assistance.

II. Program Description

Background

Nonindigenous species introductions are increasing in frequency and causing substantial damage to the Nation's environment and economy. Although the most prominent of these introductions in the aquatic environment has been the zebra mussel, many other nonindigenous species have been introduced and have truly become a nationwide problem that threatens many aquatic ecosystems. While some intentional introductions may have had beneficial effects, many other nonindigenous species already present in U.S. waters, or with the potential to invade, may cause significant damage to coastal resources and the economies that depend upon them. In response, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*) and the National Invasive Species Act of 1996 (16 U.S.C. 4711–4714) (collectively, the Acts) established a framework for the Nation to address the problems of aquatic nuisance species invasions of coastal and Great Lakes ecosystems.

In addition, the Acts recognized the serious threat posed by ballast water discharge in causing new invasions and called for ballast water management demonstration programs. A 1996 National Research Council study of the ballast water problem, "Stemming the Tide," concluded that with the growth of global shipping, and the changes in modern shipping practices, introductions of nonindigenous species through ballast water discharge were likely to remain a serious problem. The study called for the development of improved technology for the management of ballast water to eliminate this threat to the Nation's ecosystems. Several projects are under way demonstrating the usefulness of various technologies, and the possibility that there will be a single solution that is acceptable for all modes of shipping operations and classes of vessels is unlikely.

In addition, vessels that declare No Ballast On Board (NOBOB) may still pose a potential risk for introducing nonindigenous species by reballasting into tanks containing residual ballast (including sediments) and subsequently discharging this mixture into the receiving waters. Although the concern has been most strongly expressed with respect to the Great Lakes, residual water and sediment also represent a

potential problem in other regions of the country.

In addition to the potential for introductions of nonindigenous species from large ships, the spread of existing invasions is a major cause for concern. The Champlain Canal, opened just over 80 years ago, connects Lake Champlain with the Hudson River. In recent years it has served as the probable point of entry to Lake Champlain for several invading species, including the sea lamprey, the zebra mussel, the white perch, and the water chestnut. Planning has been under way for almost 10 years to construct a barrier at the Hudson River end of the canal that would prevent invasive species from entering the canal, but be harmless to humans.

Funding Availability and Priorities

(1) Ballast Water Treatment and Management

The National Sea Grant College Program of the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce (DOC) and the U.S. Fish and Wildlife Service of the Department of the Interior (DOI) encourage proposals that address one of the following three program areas:

(a) Research to develop workable and effective methods to eliminate nonindigenous species introductions from ballast water without imposing undue hardships on the shipping industry. Possible approaches include (but are not limited to) development and/or demonstration of ship-board or on-shore technologies for treatment or management of ballast water. Projects that include on-vessel demonstrations of feasibility will be given priority.

(b) Research and/or synthesis of existing information and measurements to develop a set of ballast water effluent standards and/or test methods that can be used to evaluate the effectiveness of ballast water exchange and other technologies or treatments that may be developed, such that by meeting such a standard, any ballast water pumped into the environment would not pose an unacceptable risk of introduction of nonindigenous species to the receiving waters.

(c) Research and/or synthesis of information and measurements to determine the risk of the introduction of nonindigenous species to the receiving waters from vessels carrying residual ballast (also known as vessels declaring No Ballast On Board, or NOBOB). Research should include consideration of vessels that have reballasted into tanks containing residual ballast and subsequently discharged this mixture into the receiving waters. Studies that examine the risks of introductions by NOBOBs, through analyses of shipping patterns and biological components, would be useful in developing preventative technology and practices. An approach that compared NOBOB patterns and risks in the Great Lakes and Chesapeake Bay would be very useful, as the Chesapeake could serve as a model for other U.S. coastal port systems.

The National Sea Grant College Program will support only those ballast water projects that clearly target ballast water management issues in the Chesapeake Bay and/or the Great Lakes, but investigators located outside those regions may participate if all demonstrations are carried out in the targeted regions. About $800,000 is available from Sea Grant to support these activities in FY 2001. Federal funding is limited to a maximum of $350,000 for each individual project; matching funds may also be included, but are not required. Proposals are limited to 1 year of funding, but activities may extend for up to 2 years; an annual report showing satisfactory progress must be submitted at he end of the first year. Project activities should include identified milestones for each project year. The Department of Commerce will reimburse Recipients for the Federal share of the total allocable indirect costs of their awards based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation.

The U.S. Fish and Wildlife Service will support projects that address ballast water management issues anywhere in coastal waters of the United States. About $300,000 is available to support these activities in FY 2001. The Federal funding requested for individual projects may not exceed $150,000; matching funds may also be included, but are not required. The indirect cost rate may not exceed 15 percent of direct costs. Proposals are limited to 1 year of funding, but activities may extend for up to 2 years; an annual report showing satisfactory progress must be submitted at the end of the first year. Project activities should include identified milestones for each project year.

(2) Lake Champlain Canal Barrier Demonstration

The National Sea Grant College Program encourages proposals that address the following program area: Research and engineering studies or demonstrations that further the goal of constructing a safe, effective barrier to prevent organisms from entering Lake Champlain through the Champlain Canal.

About $95,000 is available from Sea Grant to support these activities in FY 2001; matching funds may also be included, but are not required. Proposals are limited to 1 year of funding, but activities may extend for up to 2 years; an annual report showing satisfactory progress must be submitted at the end of the first year. Project activities should include identified milestones for each project year. The Department of Commerce will reimburse Recipients for the Federal share of the total allocable indirect costs of their awards based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation.

III. Eligibility

Eligible applicants are individuals, institutions of higher education, other nonprofits, commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, international organizations, state, local and Indian tribal governments. Applications from non-Federal and eligible Federal applicants (including NOAA employees) will be competed against each other. Proposals selected for funding from non-Federal applicants will be funded through a project grant or cooperative agreement under the terms of this notice. Federal agencies will be funded through an inter-agency transfer.

Please Note: A Federal applicant will be considered eligible only if it can demonstrate that it has legal authority to receive funds from another Federal agency in excess of its appropriation. The Economy Act (31 U.S.C. 1535) will not be considered as legal authority to transfer funds since awards issued under this announcement will not constitute a purchase of goods or services by DOC or DOI.

IV. Evaluation Criteria

The evaluation criteria for proposals submitted for support under this announcement are as follows:

(1) Impact of Proposed Project (60% for "Ballast Water Treatment and Management"; 70% for "Lake Champlain Barrier Demonstration"): The effect this activity will have on reducing the impact of invasive species on the environment and/or the economy, or the need for this activity as a necessary step toward such a reduction in impact; and the degree to which potential users of the results of the proposed activity have been involved in planning the activity and will be involved in the execution of the activity appropriate, including provision of matching funds.

(2) Scientific or Professional Merit (25% for "Ballast Water Treatment and

Management"; 30% for "Lake Champlain Barrier Demonstration"): Degree to which the activity will advance the state of the science or discipline through synthesis of existing information and use and extension of cutting edge as well as state-of-the-art methods; degree to which new approaches to solving problems and exploiting opportunities in resource management or development, or in public outreach on such issues will be employed; degree to which investigators are qualified by education, training, and/or experience to execute the proposed activity; and record of achievement with previous funding.

(3) On-Vessel Demonstration (15% for "Ballast Water Treatment and Management" only): Inclusion of field-scale ship-aboard demonstration for projects proposing to develop ballast water treatment technologies or practices.

V. Selection Procedures

Proposals will be subjected to peer review and ranked in accordance with the assigned weights of the above evaluation criteria by an independent panel consisting of government, academic, and industry experts. Panel members will provide individual evaluations on each proposal; there will be no consensus advice. Their recommendations and evaluations will be considered by the Federal Program Officers for Sea Grant and the Service who will: (a) Ascertain which proposals best meet the program priorities, as described in Section II under Funding Availability and Priorities, giving consideration to geographic distribution and representation, maintaining a balanced program of research, and not substantially duplicating other projects that are currently funded or are approved for funded by NOAA, DOI, and other State and Federal agencies (hence, awards may not necessarily be made to the highest-scored proposal); (b) select the proposals to be funded; (c) determine which components of the selected projects will be funded; (d) determine the total duration of funding for each proposal; and (e) determine the amount of funds available for each proposal. Investigators may be asked to modify objectives, work plans, or budgets prior to final approval of the award. Subsequent grant administration procedures will be in accordance with current DOC or DOI grants procedures. A summary statement of the scientific review by the peer panel will be provided to each applicant.

VI. Application Format

Although investigators are not required to submit more than 3 copies of each proposal, the normal review process requires 10 copies. Investigators are encouraged to submit sufficient copies for the full review process, if it does not cause a financial hardship, if they wish all reviewers to receive color, unusually sized (not 8.5″×11″), or otherwise unusual materials submitted as part of the proposal. Only three copies of the Federally required forms are needed. Facsimile transmissions and electronic mail submission of proposals will not be accepted.

All pages should be single- or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm×297 mm) or 8.5″×11″ paper. Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 15 pages. Tables and visual materials, including figures, charts, graphs, maps, photographs, and other pictorial presentations, are included in the 15-page limitation for the Project Description; letters of support, if any, are not included in the 15-page limitation. Conformance to the 15-page limitation will be strictly enforced. All information needed for review of the proposal should be included in the main text; no appendices, other than support letters, if any, are permitted. Failure to adhere to the above limitations will result in the proposal being rejected without review.

(1) Signed Title Page: The title page should be signed by the Principal Investigator and the institutional representative. The Principal Investigators and collaborators and the institutional representative should be identified by affiliation and contact information. The total amount of Federal funds being requested should be listed for each budget period; for projects involving multiple institutions, the total should include all subrecipient budgets.

(2) Project Summary: This information is very important. Prior to attending the peer review panel meetings, some of the panelists may read only the project summary. Therefore, it is critical that the project summary accurately describes the research being proposed and conveys all essential elements of the research. Applicants are encouraged to use the Sea Grant Project Summary Form 90–2, but may use their own form as long as it provides the following information: 1. Title: Use the exact title as it appears in the rest of the application. 2. Investigators: List the names and affiliations of each investigator who will significantly contribute to the project. Start with the Principal Investigator. 3. Funding: Funding request for each year of the project, including matching funds if appropriate. 4. Project Period: Start and completion dates. Proposals should request a start date of November 1, 2001, or later. 5. Project Summary: This should be a brief statement of the rationale for the project, the scientific or technical objectives and/or hypotheses to be tested, and a summary of work to be completed.

(3) Project Description (15-page limit): (a) Introduction/Background/Justification: Subjects that the investigator(s) may wish to include in this section are: (i) Current state of knowledge; (ii) contributions that the study will make to the particular discipline or subject area; (iii) contributions and impacts the study will make toward reducing the problem of aquatic invasive species; and (iv) as appropriate, contributions of investigator's previously funded research results to current proposal.

(b) Research or Technical Plan: (i) Objectives to be achieved, hypotheses to be tested; (ii) plan of work—discuss how stated project objectives will be achieved; and (iii) role of project personnel.

(c) Results/Output: Describe the project results/output and impacts that will enhance the Nation's ability to reduce the impacts of aquatic invasive species.

(d) Coordination with other Program Elements: Describe any coordination with other agency programs or ongoing research efforts. Describe any other proposals that are essential to the success of this proposal.

(e) Vessel Selection (if appropriate): Applications proposing on-board demonstrations of ballast water management should address the requirements and priorities listed in the National Invasive Species Act of 1996 (16 U.S.C. 4711–4714) for selecting vessels for demonstration projects. These requirements are available through the Sea Grant web site (www.nsgo.seagrant.org/research/nonindigenous/RFP01.html) or from Dr. Leon Cammen at the National Sea Grant Office (phone: 301–713–2435 x136 or e-mail: leon.cammen@noaa.gov).

(4) Literature Cited

(5) Budget and Budget Justification: There should be a separate budget for each year of the project as well as a cumulative annual budget for the entire project. Applicants are encouraged to use the Sea Grant Budget Form 90–4, but may use their own form as long as

it provides the same information as the Sea Grant form. Subcontracts should have a separate budget page. Matching funds must be indicated if provided. Applicants should provide justification for all budget items in sufficient detail to enable the reviewers to evaluate the appropriateness of the funding requested. For those applications to be supported by the Service, the indirect cost rate may not exceed 15 percent of direct costs. For those applications to be supported by Sea Grant, the Department of Commerce will reimburse Recipients for the Federal share of the total allocable indirect costs of their awards based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation.

(6) Current and Pending Support: Applicants must provide information on all current and pending Federal support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. The proposed project and all other projects or activities using Federal assistance and requiring a portion of time of the principal investigator or other senior personnel should be included. The relationship between the proposed project and these other projects should be described, and the number of person-months per year to be devoted to the projects must be stated. Similar information must be provided for all proposals already submitted or submitted concurrently to other possible sponsors, including those within the Departments of Commerce and the Interior.

(7) Vitae (2 pages maximum per investigator).

(8) Standard Application Forms: Applicants may obtain all required application forms through the Sea Grant web site: (www.nsgo.seagrant.org/research/rfp/index.html#3) or from Dr. Leon M. Cammen at the National Sea Grant Office (phone: 301–713–2435 x136 or e-mail: leon.cammen@noaa.gov).

(a) Standard Forms 424, Application for Federal Assistance, and 424B, Assurances—Non-Construction Programs, (Rev 4–88). Please note that both the Principal Investigator and an administrative contact should be identified in Section 5 of the SF424. For Section 10, applicants should enter either "11.417" for the CFDA Number and "Sea Grant Support" for the title or "15.FFA" for the CFDA Number and "Fish and Wildlife Management Assistance" for the title depending on the agency that will be supporting the project. The form must contain the original signature of an authorized representative of the applying institution.

(b) Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying", and the following explanations are hereby provided:

(i) Non-Procurement Debarment and Suspension. Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Non-Procurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

(ii) Drug-Free Workplace. Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Government-wide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

(iii) Anti-Lobbying. Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions", and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000; and

(iv) Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities", as required under 15 CFR Part 28, Appendix B.

(c) Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities". Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

VII. Other Requirements

(1) Federal Policies and Procedures—Recipients and subrecipients and subject to all Federal laws and Federal, DOC, and DOI policies, regulations, and procedures applicable to Federal financial assistance awards.

(2) Past Performance—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(3) Pre-Award Activities—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC or DOI to cover pre-award costs.

(4) No Obligation for Future Funding—If an application is selected for funding, DOC and DOI have no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC or DOI.

(5) Delinquent Federal Debts—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(a) The delinquent account is paid in full,

(b) A negotiated repayment schedule is established and at least one payment is received or

(c) Other arrangements satisfactory to DOC or DOI are made.

(6) Name Check Review—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management honesty or financial integrity.

(7) False Statements—A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(8) Purchase of American-Made Equipment and Products—Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program.

(9) Pursuant to Executive Orders 12876, 12900, and 13021, DOC/NOAA is strongly committed to broadening the participation of Historically Black Colleges and Universities (HBCU), Hispanic Serving Institutions (HSI), and Tribal Colleges and Universities (TCU) in its educational and research programs. The DOC/NOA vision,

mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the Nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs. Institutions eligible to be considered HBCU/MSIs are listed at the following Internet website: http://www.ed.gov/offices/OCR/99minin.html.

(10) For awards receiving funding for the collection or production of geospatial data (e.g., GIS data layers), the recipient will comply to the maximum extent practicable with E.O. 12906, Coordinating Geographic Data Acquisition and Access, The National Spatial Data Infrastructure, 59 FR 17671 (April 11, 1994). The award recipient must document all new geospatial data collected or produced using the standard developed by the Federal Geographic Data Center and make that standardized documentation electronically accessible. The standard can be found at the following Internet website: (http://www.fgdc.gov/standards/standards/html).

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts (See 5 U.S.C. 553(a)(2)). Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

This action has been determined to be not significant for purposes of E.O. 12866.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The Sea Grant Budget Form, 90–4, and Sea Grant Summary Form, 90–2, have been approved under Office of Management and Budget (OMB) control number 0648–0362, with estimated times per response of 20 and 15 minutes respectively. The use of Standard Forms 424, 424b, and SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0040, and 0348–0046. The response time estimates above include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments on these estimates or any other aspect of these collections to the National Sea Grant College Program, R/SG, NOAA, 1315 East-West Highway, Silver Spring, MD 20910 (Attention: Francis M. Schuler). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Dated: June 18, 2001.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

Dated: June 11, 2001.

Cathleen Short,

Assistant Director—Fisheries and Habitat Conservation, Fish and Wildlife Service.

[FR Doc. 01–15646 Filed 6–20–01; 8:45 am]

BILLING CODE 3510–KA–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051801C]

Marine Mammals; Permit No. 821–1588–00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Texas A&M University, Department of Marine Biology, P.O. Box 1675, Galveston, Texas 77551 [Principal Investigator: Dr. Randall W. Davis] has been issued a permit to take sperm whales (*Physeter macrocephalus*), various small cetacean species, and Weddell seals (*Leptonychotes weddelli*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727)570–5301; fax (727)570–5320.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams, (301)713–2289.

SUPPLEMENTARY INFORMATION: On November 20, 2000, notice was published in the **Federal Register** (65 FR 69737) that a request for a scientific research permit to take marine mammals had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226). Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 18, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–15648 Filed 6–20–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Air Force

GPS L2/L5 Public Forum—Information on the New Global Positioning System (GPS) L2 and L5 Civil Signals

AGENCY: Department of the Air Force, DoD.

ACTION: Notice, announcement of opportunity to attend.

SUMMARY: This notice announces a Global Positioning System (GPS) L2/L5 CivilSignal GPS L2/L5 Public Forum on June 29, 2001 in Washington, DC. The Department of Transportation, in cooperation with the GPS Joint Program Office (JPO), will provide information on the new civil signals being planned for the GPS L2 frequency (1227.60 MHz) and the new GPS L5 (1176.45 MHz) frequency. The information presented will be important to those in the government and industry involved in the development, production, support or use of satellite navigation products and services for the civil and military users. No new GPS JPO procurements are being announced or are anticipated in the near term for this work.

The agenda will be divided into a morning session (9 a.m. to 11:30 a.m.) for the GPS Program overview and L2

and L5 overview presentations, and an afternoon session (1 p.m. to 4 p.m.) for technical presentations on both new signals. The morning agenda includes: Overview of GPS Modernization Program; the New L2 Civil Signal; the New L5 Civil Signal and the GPS JPO Interface Control Document (ICD) Review and Approval Process. The afternoon agenda includes: Technical Description of the Planned L2 Design; Laboratory Implementation of the New L2 Civil Signal; Technical Description of the Planned L5 Signal Design. Copies of the April 16, 2001 "NAVSTAR GPS Space Segment/User Segment L5 Interfaces (ICD–GPS–705)," the May 31, 2001 "Pre-Proposed Interface Revision Notice to ICD–GPS–200C for L2 Civil (L2C) Signal (PPIRN–200C–007)" and the briefing charts to the May 2, 2001 "GPS L2 and L5 Civil Signal Industry Day" presentations are now available on the GPS JPO public website *https://gps.losangeles.af.mil/gpslibrary/2000_public/2100_html/documents.html.*

This event will be held in the FAA Auditorium, 800 Independence Avenue SW., Washington, DC 20591. The Industry Day conference is unclassified and formal visit requests are not necessary, but for security purposes, the GPS JPO must provide a list of all attendees to the FAA not later than June 22, 2001. Therefore, attendees should provide attendance notification to Veronique Benjamins (SAIC), phone (310) 363–6515, fax (310) 363–1581 by June 20, 2001. To expedite check-in security procedures, all attendees should provide e-mail notification to Veronique.Benjamins @LOSANGELES.AF.MIL. Please include the words, "29 June 2001 GPS L2/L5 Civil Signal Public Forum Attendee" in the subject line of your e-mail. The FAA Auditorium allows seating for 175 attendees and seating will be on a first come basis. The Government will not pay for any costs associated with attending this briefing or for any information. Picture identification will be required for admittance.

ADDRESSES: JPO Point of Contact: SMC/CZC, 2420 Vela Way, Suite 1467, El Segundo, CA 90245–4659, ATTN: Lieutenant Commander Richard Fontana, USCG.

DATES: If you intend to participate in these meetings, please submit your e-mail notification not later than June 21, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Veronique Benjamins, (310) 363-6515, or Lieutenant Commander Richard Fontana, USCG, (310) 363–1703, GPS Deputy Program Manager, Department of Transportation.

SUPPLEMENTARY INFORMATION:

Background

The Global Positioning System employs a constellation of 24 satellites and associated ground stations to provide continuously transmitted world-wide positioning, navigation, and timing signals for use with appropriately configured GPS user equipment. The current generation GPS space vehicles transmit signals at the L1 and L2 frequencies. In the future, new civil signals will be transmitted on the L2 and L5 frequencies. The international civilian and military communities employ the dual use Global Positioning System.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–15589 Filed 6–20–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board (DSB) Summer Study will meet in closed session August 13–24, 2001, at the Beckman Center, Irvine, CA. At these meetings, the Defense Science Board will discuss interim findings and recommendations resulting from two ongoing Task Force activities: Defense Science & Technology (S&T) and Precision Targeting.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Board will address the issues involved in assuring that the U.S. continues to gain access to and develop technology from which to gain military advantage. They will consider future technologies that should be developed and exploited for military applications, particularly potential technologies that provide the U.S. military an asymmetric advantage in conflict, in deployment, and at home; the appropriate mix of in-house, contractor, university and commercial providers of basic and applied research and of advanced development; how DoD can leverage technology that is under development and produced globally in commercial industry, as well as that which is being discovered and demonstrated in the S&T programs funded by both other U.S. agencies and other nations; the situation of and the contribution of the DoD laboratories in this changing world; and how to maintain excellence in in-house S&T endeavors.

The Board will also examine the full range of the precision weapons targeting in tactical military operations, from target execution, location, and identification through mission execution and damage assessment. Specifically, all planned precision weapons programs and procurements will be examined to determine the degree to which these weapons are compatible with targeting requirements for different target classes; the degree to which existing and planned reconnaissance and surveillance assets are used to effectively develop target sets, real time targeting data and perform battle damage assessment under varied degrees of cover, concealment and deception; our ability to identify and precisely locate targets while minimizing false alarms using automatic target recognition techniques and precision location technologies; and our ability to attack moving targets.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Dated: June 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15594 Filed 6–20–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on E-Commerce will meet in closed session on September 25–26, 2001, and October 23, 2001, at SAIC, Inc., 4001 N. Fairfax Drive, Arlington, VA. This Task Force will review the DoD's current implementation status of e-commerce tools and make any appropriate

recommendations that might enhance opportunities for cost reduction, capital and manpower efficiency.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will review and evaluate the Department's new procurement approaches and its current implementation status in light of the fact that the Department has one of the largest acquisition systems in the world for both goods and services.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings concern matters listed in 5 U.S.C. 552b(c)(4), and that accordingly these meetings will be closed to the public.

Dated: June 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15593 Filed 6–20–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to Amend Systems of Records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 23, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 15, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0215–2a CFSC

SYSTEM NAME:

Army Club Membership Files (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

Authority for maintenance of the system: Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; Army Regulation 215–1, Morale Welfare and Recreation Activities and Non-appropriated Fund Instrumentalities; and E.O. 9397 (SSN).'

* * * * *

STORAGE:

Delete entry and replace with 'Cards, magnetic tape/disc and printouts and electronic storage media.'

SAFEGUARDS:

Delete entry and replace with 'Information is maintained in secured areas, accessible only to designated person having official need thereof in the performance of their duties.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Army club/non-appropriated fund activity membership files are maintained for 1 year after termination of membership or payment of final bill, whichever applies, then destroyed.'

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'From the individual and morale, welfare and recreation records.'

* * * * *

A0215–2a CFSC

SYSTEM NAME:

Army Club Membership Files.

SYSTEM LOCATION:

Decentralized at Army installation; files are maintained by the officers, noncommissioned, or other military club managers at Army installations having club activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Categories of individuals covered by the system: Military (Active Reserve, retired), personnel, their dependents, and/or civilian employees who apply for membership in any Army club.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, address, phone number, name of spouse, credits, merchandise code, date of purchase, card number, club bill, and similar related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 215–1, Morale Welfare and Recreation Activities and Non-appropriated Fund Instrumentalities; and E.O. 9397(SSN).

PURPOSE(S):

To administer club accounts, prepare billings, collect monies, and disseminate information concerning club activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, magnetic tape/disc and printouts and electronic storage media.

RETRIEVABILITY:

By member's name, Social Security Number, or club membership number.

SAFEGUARDS:

Information is maintained in secured areas, accessible only to designated person having official need thereof in the performance of their duties.

RETENTION AND DISPOSAL:

Army club/non-appropriated fund activity membership files are maintained for 1 year after termination of membership or payment of final bill, whichever applies, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 4700 King Street, Alexandria, VA 22331–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the morale, welfare and recreation program at the installation were membership occurred.

INDIVIDUAL SHOULD PROVIDE THE FULL NAME, SOCIAL SECURITY NUMBER, PRESENT ADDRESS, AND SIGNATURE.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the morale, welfare and recreation program at the installation were membership occurred.

INDIVIDUAL SHOULD PROVIDE THE FULL NAME, SOCIAL SECURITY NUMBER, PRESENT ADDRESS, AND SIGNATURE.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual and morale, welfare and recreation records.

EMEXPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–15592 Filed 6–20–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to Amend Record System.

SUMMARY: The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on July 23, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports. The records system being amended is set forth below, as amended, published in its entirety.

Dated: June 14, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01500–2

SYSTEM NAME:

Student Records (November 10, 1998, 63 FR 63035).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with "Student/SMART Records."

SYSTEM LOCATION:

Delete entry and replace with "Student records are located at schools and other training activities or elements of the Department of the Navy and Marine Corps. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Sailor/Marine American Council on Education Registry Transcript (SMART) records are maintained at the Navy College Center (N2A5), 6490 Saufley Field Road, Pensacola, FL 32509–5204."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Student records cover present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of /the Naval Education and Training Command, including the Navy College Office and other training programs; tutorial and tutorial volunteer programs; dependents' schooling.

SMART records cover Active duty Navy and Marine Corps members; reservists; and separated or retired Navy and Marine Corps members."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Student Records: Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., Social Security Number, name, sex, date of birth, personnel records, i.e., rank/rate/grade, branch of service, billet, expiration of active obligated service, professional records, i.e., Navy enlisted classification, military occupational specialty for Marines, subspecialty codes, test scores, psychological profile, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories.

Academic/training records, manual and mechanized, and other records of educational and professional accomplishment. SMART Records: Certified to be true copies of service record page 4; certificates of completion; college transcripts; test score completions; grade reports; Request for Sailor/Marine American Council on Education Registry Transcript."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 4302, Enlisted members of Army: schools; and E.O. 9397 (SSN)."

PURPOSE(S):

Delete entry and replace with "Student Records: To record course and training demands, requirements, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; provide guidance and counseling to students; prepare required reports; and for other training administration and planning purposes.

FOR SMART RECORDS:

To provide recommended college credit based on military experience and training to colleges and universities for review and acceptance. Requesters may have information mailed to them or the college(s)/university(ies) of their choice."

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with "Student Records: Destroyed after completion of training, transfer, or discharge, provided the data has been recorded in the individual's service record or on the student's record card.

SMART RECORDS:

Automated SMART (transcripts) are retained permanently. Documents submitted to compile, update, or correct SMART records, which include service record page 4s, transcripts, and certificates, are destroyed after 3 years."

* * * * *

N01500–2

SYSTEM NAME:

Student/SMART Records.

SYSTEM LOCATION:

Student records are located at schools and other training activities or elements of the Department of the Navy and Marine Corps. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Sailor/Marine American Council on Education Registry Transcript (SMART) records are maintained at the Navy College Center (N2A5), 6490 Saufley Field Road, Pensacola, FL 32509–5204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Student records cover Present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the Naval Education and Training Command; tutorial and tutorial volunteer programs; dependents' schooling.

SMART records cover Active duty Navy and Marine Corps members; reservists; and separated or retired Navy and Marine Corps members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., Social Security Number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service, billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines, sub-specialty codes, test scores, psychological profile, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 4302, Enlisted members of the Army: schools; and E.O. 9397 (SSN).

PURPOSE(S):

Student Records. To record course and training demands, requirements, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; provide guidance and counseling to students; prepare required reports; and for other training administration and planning purposes.

SMART RECORDS:

To provide recommended college credit based on military experience and training to colleges and universities for review and acceptance. Requesters may have information mailed to them or the college(s)/university(ies) of their choice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD "Blanket Routine Uses" that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records may be stored in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, or in personal computers.

RETRIEVABILITY:

Name and Social Security number.

SAFEGUARDS:

Access is provided on a "need-to-know" basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL:

STUDENT RECORDS:

Destroyed after completion of training, transfer, or discharge, provided the data has been recorded in the individual's service record or on the student's record card.

SMART RECORDS:

Automated SMART (transcripts) are retained permanently. Documents submitted to compile, update, or correct SMART records, which include service record page 4s, transcripts, and certificates, are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

For student records: The commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

FOR SMART RECORDS:

Director, Navy College Center (N2A5), 6490 Saufley Field Road, Pensacola, FL 32509–5204.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate official below:

FOR STUDENT RECORDS:

Address inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Requester should provide his full name, Social Security Number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

FOR SMART RECORDS:

Requester should address inquiries to the Director, Navy College Center

(N2A5), 6490 Saufley Field Road, Pensacola, FL 32509–5204. Send a completed "Request for Sailor/Marine American Council on Education Registry Transcript" which solicits full name, command address, current rate/rank, Social Security Number, home and work telephone numbers, current status branch of service, etc., and must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking to access information about themselves contained in this system should address written inquiries to the appropriate official below:

FOR STUDENT RECORDS:

Address inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Requester should provide his full name, Social Security Number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

FOR SMART RECORDS:

Requester should address inquiries to the Director, Navy College Center (N2A5), 6490 Saufley Field Road, Pensacola, FL 32509–5204. Send a completed "Request for Sailor/Marine American Council on Education Registry Transcript" which solicits full name, command address, current rate/rank, Social Security Number, home and work telephone numbers, current status branch of service, etc., and must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; schools and education institutions; Commander, Navy Personnel Command; Chief of Naval Education and Training; Commandant of the Marine Corps; Commanding Officer, Naval Special Warfare Center; Commander, Navy Recruiting Command; and instructor personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–15591 Filed 6–20–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–76–000]

Cove Point LNG Limited Partnership; Notice of Site Visit

June 15, 2001.

On July 3, 2001, at 9:00 a.m., staff from the Office of Energy Projects (OEP) will conduct a pre-certification site visit of the Cove Point LNG Limited Partnership (Cove Point LNG) liquefied natural gas (LNG) import terminal in Calvert County, Maryland. The purpose of the site visit will be to review options for LNG transfer line spill impoundment systems in response to the Commission's May 3, 2001 data request. Representatives of Cove Point LNG will accompany the OEP staff.

All interested parties may attend the site visit. For further information on attending the site visit, please contact the Commission's Office of External Affairs at (202) 208–0004.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15582 Filed 6–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1707–001]

Kansas City Power & Light Company; Notice of Filing

June 15, 2001.

Take notice that on June 1, 2001, Kansas City Power & Light Company (KCPL) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Notice of Cancellation of KCPL Rate Schedule FERC No. 121.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 22, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15584 Filed 6–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–88–000]

Louisiana Public Service Commission and the Council of the City of New Orleans, Louisiana Complainant, v. Entergy Corporation, Entergy Services, Inc., et al.; Notice of Complaint

June 15, 2001.

Take notice that on June 14, 2001, the Louisiana Public Service Commission and the Council of the City of New Orleans filed with the Federal Energy Regulatory Commission (Commission), a Complaint against Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, Inc., Entergy Gulf States, Inc., Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc. and System Energy Resources, Inc. seeking amendments to the Entergy System Agreement or Unit Power Sales Agreement of System Energy Resources, Inc. to remedy a disruption of rough production cost equalization among the Operating Companies of the Entergy System. The Complaint requests that the Commission act by July 31, 2001 to set the case for hearing and that, pursuant to a settlement agreement in Louisiana Public Service Comm'n, et al v. Entergy Corp., et al, Docket Nos. EL00–66–000, ER00–2854–00, and EL95–33–002, direct that the case be handled under a schedule for exceptionally complex cases (Track 3).

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C.

20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before July 5, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before July 5, 2001. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15600 Filed 6–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1300–000 and ER01–1300–001]

Whiting Clean Energy, Inc.; Notice of Issuance of Order

June 15, 2001.

Whiting Clean Energy, Inc. (Whiting) submitted for filing a rate schedule under which Whiting will engage in wholesale electric power and energy transactions at market-based rates. Whiting also requested waiver of various Commission regulations. In particular, Whiting requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Whiting.

On May 24, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Whiting should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Whiting is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Whiting's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 25, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15585 Filed 6–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1703–001, et al.]

Solar Turbines Incorporated, et al.; Electric Rate and Corporate Regulation Filings

June 14, 2001.

Take notice that the following filings have been made with the Commission:

1. Solar Turbines Incorporated

[Docket No. ER01–1703–001]

Take notice that on June 8, 2001, Solar Turbines Inc., filed a Notice of Cancellation of its' FERC Electric Tariff No. 1.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. American Transmission Company LLC

[Docket No. ER01–1586–001]

Take notice that on June 11, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a rate schedule designation in compliance with a Commission letter order dated May 16, 2001.

The Commission has granted an effective date of January 1, 2001.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. PPL Wallingford Energy LLC

[Docket No. ER01–1559–001]

Take notice that on June 11, 2001, PPL Wallingford Energy LLC (PPL Wallingford) filed with the Commission a revised tariff sheet to PPL Wallingford's FERC Electric Tariff Original Volume No. 1 in compliance with the Letter Order issued on May 10, 2001 in Docket No. ER01–1559–000. The revision incorporates a prohibition on power purchases from any affiliated public utility with a franchised service territory absent a separate filing under Section 205 of the Federal Power Act.

PPL Wallingford states that copies of this filing have been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01–2242–000]

Take notice that on June 7, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities(KU) (hereinafter Companies) tendered for filing an executed Netting Agreement between the Companies and Northern Indiana Public Service Company.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Sithe Power Marketing, Inc.

[Docket No. ER01–2272–000]

Take notice that on June 11, 2001, Sithe Power Marketing, Inc., filed a Notice of Cancellation of its' FERC Electric Rate Schedules Nos. 1 and 2.

Notice of the proposed cancellation has not been served upon any party because such cancellation affects no purchasers under SPMI's FERC Electric Rate Schedules Nos. 1 and 2.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. American Transmission Company LLC

[Docket No. ER01–2273–000]

Take notice that on June 8, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Firm and Non-Firm Point-to-Point Service Agreement between ATCLLC and Coral Power, L.L.C. ATCLLC requests an effective date of May 11, 2001.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Kincaid Generation, L.L.C.

[Docket No. ER01–2274–000]

Take notice that on June 8, 2001, Kincaid Generation, L.L.C. tendered for filing an amended and restated service agreement for sales of energy and capacity to Exelon Generation Company, LLC.

Comment date: June 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Duquesne Light Company

[Docket No. ER01–2275–000]

Take notice that on June 11, 2001, Duquesne Light Company (DLC) filed a Service Agreement dated June 8, 2001 with Calpine Energy Services, LP under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Calpine Energy Services, LP as a customer under the Tariff.

DLC requests an effective date of June 8, 2001 for the Service Agreement.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Duquesne Light Company

[Docket No. ER01–2276–000]

Take notice that on June 11, 2001, Duquesne Light Company (DLC) filed a Service Agreement dated June 8, 2001 with Axia Energy, LP under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Axia Energy, LP as a customer under the Tariff.

DLC requests an effective date of June 8, 2001 for the Service Agreement.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Duquesne Light Company

[Docket No. ER01–2277–000]

Take notice that on June 11, 2001, Duquesne Light Company (DLC) filed a Service Agreement dated June 8, 2001 with Calpine Energy Services, LP under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Calpine Energy Services, LP as a customer under the Tariff.

DLC requests an effective date of June 8, 2001 for the Service Agreement.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Duquesne Light Company

[Docket No. ER01–2278–000]

Take notice that on June 11, 2001, Duquesne Light Company (DLC) filed a Service Agreement dated June 8, 2001 with Axia Energy, LP under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Axia Energy, LP as a customer under the Tariff.

DLC requests an effective date of June 8, 2001 for the Service Agreement.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Company Services, Inc.

[Docket No. ER01–2279–000]

Take notice that on June 11, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), filed an Interconnection Agreement (IA) by and between APC and Duke Energy Autauga, LLC (Duke Energy). The IA allows Duke Energy to interconnect its generating facility to be located in Autauga County, Alabama, to APC's electric system.

An effective date of June 11, 2001 has been requested.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Central Maine Power Company

[Docket No. ER01–2280–000]

Please take notice that on June 11, 2001, Central Maine Power Company (CMP) tendered for filing the Executed Interconnection Agreement by and between CMP and Forster Inc., designated rate schedule FERC Electric Tariff, Fifth Revised, Volume No. 3, Service Agreement No. 127, and the Executed Service Agreement for Non-Firm Local Point-to-Point Transmission Service, designated rate schedule FERC Electric Tariff, Fifth Revised, Volume No. 3, Service Agreement No. 128.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Wisconsin Electric Power Company

[Docket No. ER01–2281–000]

Take notice that on June 11, 2001, Wisconsin Electric Power Company, filed a Notice of Cancellation of its Rate Schedule FERC No. 91.

Copies of the filing have been served on the City of Oconto Falls, Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–2282–000]

Take notice that on June 11, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company ("Allegheny Power"), filed a request to terminate transmission service to Utility.com provided under Allegheny Power's Open Access Transmission Tariff as Service Agreement No. 279.

Allegheny Power has requested waiver of notice to permit the termination to be effective on June 15, 2001.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Duke Energy Corporation

[Docket No. ER01–2283–000]

Take notice that on June 11, 2001, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with Dynegy Power Marketing, Inc. for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on May 30, 2001. Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15581 Filed 6–20–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

June 15, 2001.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 12501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Exempt

1. CP01–361–000, 06–13–01, John W. Wisniewski
2. CP00–412–000, 06–11–01, Patricia A. Kurkul
3. CP01–260–000, 06–11–01, John J. Wisniewski
4. Project No. 2042, 06–08–01, Timothy B. Bachelder
5. Project No. 1962–000, 06–07–01, Felix Smith
6. CP01–45–000, 06–01–01, David Swearingen and Laurence Sauter
7. Project No. 2042, 06–07–01, Timothy B. Bachelder

Prohibited

1. RP00–241–000, 06–01–01, Robert A. Felburg
2. EL00–95–020, *et al.*, 05–16–01, Jan Smutny-Jones

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15583 Filed 6–20–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

June 13, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 20, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, Room 1 A–804, 445 Twelfth Street, SW., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0973.

Title: Section 64.1120(e)—Sale or Transfer of Subscriber Base to Another Carrier (CC Dockets 00–257 and 94–129).

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 75.

Estimated Time Per Response: 6 hours per response (avg).

Total Annual Burden: 450 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosure.

Needs and Uses: Pursuant to 47 CFR 64.1120(e), an acquiring carrier will self-certify to the Commission, in advance of the transfer, that the carrier will comply with the required procedures, including giving advance notice to the affected subscribers in a manner that ensures the protection of their interests. By streamlining the carrier change rules, the Commission will continue to protect

consumers' interests and, at the same time, will ensure that its rules do not inadvertently inhibit routine business transactions.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15662 Filed 6–20–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Management Official Interlocks."

DATES: Comments must be submitted on or before August 20, 2001.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room F–4058, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to "Management Official Interlocks." Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@ fdic.gov]. Comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Management Official Interlocks.

OMB Number: 3064–0118.

Frequency of Response: On occasion.

Affected Public: Management officials of insured nonmember banks and their affiliates.

Estimated Number of Respondents: 5.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden: 20 hours.

General Description of Collection: The collection is associated with the FDIC's Management Official Interlocks regulation, 12 CFR Part 348, which implements the Depository Institution Management Interlocks Act (DIMIA). DIMIA generally prohibits bank management officials from serving simultaneously with two unaffiliated depository institutions or their holding companies but allows the FDIC to grant exemptions in appropriate circumstances.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, D.C., this 15th day of June, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–15644 Filed 6–20–01; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–48]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

The National Death Index (NDI)—Renewal—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC). The National Death Index (NDI) is a service of the National Center for Health Statistics that assists health and medical researchers determine the vital status of their study subjects. The NDI is a national data base containing identifying death record information submitted annually to NCHS by all the state vital statistics offices, beginning with deaths in 1979. Searches against the NDI file provide the states and dates of death and the death certificate numbers of deceased study subjects. With the recent implementation of the NDI Plus service, researchers now have the option of also receiving cause of death information for deceased subjects, thus reducing the need to request copies

of death certificates from the states. The NDI Plus option currently provides the ICD codes for the underlying and multiple causes of death for the years 1979–1999. The five administrative forms are completed by health researchers in government, universities, and private industry in order to apply for NDI services and to submit records of study subjects for computer matching against the NDI file. The total cost to respondents is estimated at $5,685.

Respondents	No. of respondents	No. of responses/respondents	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Government researchers	48	1	1.89	91
University researchers	60	1	1.89	113
Private industry researchers	12	1	1.89	23
Total				227

Dated: June 15, 2001.

Chuck Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–15601 Filed 6–20–01; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01163]

HIV Prevention Projects for Community-Based Organizations Targeting Young Men of Color Who Have Sex With Men; Notice of Availability of Funds for Fiscal Year (FY) 2001

A. Purpose

For fiscal year 2001, the Centers for Disease Control and Prevention (CDC) is offering funds for a cooperative agreement program for Human Immunodeficiency Virus (HIV) Projects for Community-Based Organizations Targeting Young Men of Color Who Have Sex With Men (YMSM of Color). This program addresses the Healthy People 2010 priority area(s) of Educational and Community-Based Programs, HIV Infection, and Sexually Transmitted Diseases (STDs).

Note: CDC strongly suggests that you supplement this program announcement as it appears in the **Federal Register**, with a copy of the program announcement that is in an easy-to-use format. This easy-to-read version can be found on the CDC home page Internet address http://www.cdc.gov. Click on "Funding" then "Grants and Cooperative Agreements."

B. Eligibility Requirements

1. Have proof of current tax-exempt status under Internal Revenue Service (IRS) Code Section 501(c)(3).

2. Be located and provide services in one of the following eligible metropolitan statistical areas (MSAs): Atlanta, GA; Baltimore, MD; Chicago, IL; Cleveland—Lorain—Elyria, OH; Columbia, SC; Dallas, TX; Detroit, MI; Fort Lauderdale, FL; Houston, TX; Jackson, MS; Jacksonville, FL; Kansas City, MO–KS; Los Angeles, CA; Memphis, TN–AR–MS; Miami, FL; New Orleans, LA; New York, NY; Newark, NJ; Norfolk–Virginia Beach—Newport News, VA; Oakland, CA; Philadelphia, PA; St. Louis, MO; San Antonio, TX; San Diego, CA; San Francisco, CA; San Juan, PR; Seattle, WA; Tampa—St. Petersburg—Clearwater, FL; Orlando, FL; Washington, D.C.; West Palm Beach, FL.

3. Be able to show that your organization has provided HIV prevention or care services over the last two years to young men of color who have sex with men (YMSM of color) (ages 24 years and younger). This may include the sexual partners of YMSM and/or transgendered youth (ages 24 years and younger).

4. Be able to show that 75 percent of the persons your program served in the past two years are of racial/ethnic minority populations.

5. Provide at least three letters of support from civic, business or faith-based organizations, which are located in the community and also serve the proposed target population, that show you have been providing HIV prevention services to YMSM of color in the target communities.

6. Provide a statement that within 6 months of being selected for funding you will agree to:

a. have at least one young person, age 24 years or younger, who is a member of the target population, actively serving on the board of directors, or

b. have a group of young persons from the targeted population actively involved in advising the board of directors on the direction of youth prevention programs. Please indicate if your organization already meets this requirement.

7. Not request more than $350,000, including indirect costs, if applying under Category A; and no more than $500,000 if applying under Category B.

8. Not be a government or municipal agency (including a health department, school board, or public hospital), a private or public university or college, or a private hospital.

9. You can only apply for funding under one of the two categories (see next section).

Note: You are not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan or any other form, if under Title 2 of the United States Code, Chapter 26, Section 1611, you are considered to be an organization as described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities.

C. Availability of Funds

About $7 million is available for awards for fiscal year 2001. It is expected that those CBOs who are selected will receive funding in September 2001. The funds are to be used during a budget time frame of 12 months within a project period of up to 5 years.

Note: Funding estimates may change based on the availability of funds.

Funds will be distributed in two categories:

Category A: Delivery of HIV Prevention Services and Infrastructure Development. Approximately $5 million is available to fund 14 to16 awards in this category. Applications that ask for more than $350,000, including indirect costs, will not be considered and the application will be returned to you.

Category B: Strategic Alliances for the Delivery of HIV Prevention Services. Approximately $2 million is available to fund up to 4 awards under this category. Applications that ask for more than $500,000, including indirect costs, will not be considered and the application will be returned to you.

Your organization's project may be continued for a total of 5 years (that is to say, 2001, 2002, 2003, 2004, 2005) under this agreement. Funding at the same level after the first year is based on

the amount of funds available to CDC and your success and/or progress in meeting your goals and objectives.

1. Use of Funds

Funds provided under this announcement must support—

a. Activities directly related to preventing YMSM of color, (ages 24 years and younger) from getting HIV or transmitting the disease to someone else. This may include the sexual partners of YMSM and/or transgendered youth, ages 24 years and younger.

b. Intervention activities that involve preventing other STDs or substance abuse as a means of reducing or eliminating the risk of HIV transmission may also be supported.

Funds provided under this announcement must not be used to—

a. Give direct patient medical care, including substance abuse or medical treatment, or medications.

b. Supplant or duplicate existing funding.

c. Support only administrative and managerial functions.

Note: If your application requests funds only to support administrative or managerial activities your application will not be funded.

Part of the funding under this announcement may be used to;

a. Hire one or more contractors to support coalition partners to help with specific activities; however, you, not the contract organization(s) or the coalition partner(s), must carry out most of the activities paid for with this funding (including managing the program and activities).

b. Help build the capacity of your organization (for example, purchase of computers or software, hiring a business manager).

2. Funding Preferences

In making awards, preference for funding will be given to;

a. ensure a balance of funded CBOs in terms of targeted racial/ethnic minority groups (the number of funded CBOs serving each racial/ethnic minority group may be adjusted based on the rate of HIV/AIDS in that group).

b. a geographic balance of funded CBOs. The number of funded CBOs will be adjusted based on the prevalence of HIV/AIDS cases in the MSA.

c. a balance of funded CBOs in terms of age groups to be served.

d. a balance of funded CBOs in areas where gaps have been identified by the HIV prevention community planning group in the city or state.

D. Program Requirements

There are many activities you can implement to reach YMSM of color (ages 24 and younger) with HIV prevention messages. Your activities should focus on your plan to reach this target population, which may also include the sexual partners of YMSM and transgendered youth (ages 24 and younger). Activities are divided into two categories: Category A and Category B.

1. Recipient Activities

Category A: Delivery of HIV Prevention Services and Infrastructure Development

The applicant will be responsible for—

(1) Involving the target population in planning, implementing, and evaluating activities and services throughout the project period.

(2) Providing mentoring (that is to say, guidance) to youth to enable them to participate in the planning process and/or other organizational functions or direct service activities. Mentors must be trained, the relationship must be for at least six months, and all activities must be monitored.

(3) Using or adapting program models supported by scientifically valid evidence of lowering risk behavior or increasing help-seeking behavior. You may also design and develop your HIV prevention program to meet local needs using a rationale based in science.

Note: Examples of evidence-based models can be found in the "Compendium of Effective Behavioral Interventions," (Inventory #D235) available in CD-Rom format from the CDC National Prevention Information Network (NPIN) by calling 1–800–458–5231 or at the following website www.cdc.gov/hiv/pubs/hivcompendium.pdf and in the report, "Positive Youth Development in the United States," commissioned by the U.S. Department of Health and Human Services Assistant Secretary for Planning and Evaluation and available at http://aspe.hhs.gov/hsp/positiveyouthdev99/index.htm.

Your program activities should address barriers to HIV prevention and should focus on issues of stigma and discrimination based on infection status, race, sexual orientation, or gender identity. The activities could address social, health service, and faith organizations and family units that can keep persons at risk from getting the services they need.

Your program should also develop leadership and/or other skills among YMSM of color to help them to effectively participate in the Community Planning process, on the Ryan White Council, or to make useful contributions to the success of CBO, health department, or other grantee activities. These activities should also help build skills to avoid HIV risk behaviors.

(4) Conducting at least one of the interventions listed below. All of your efforts must include cultural competency, sensitivity to issues of sexual and gender identity, and developmental and linguistic appropriateness.

(a) *HIV counseling, testing, and referral.* Provide HIV counseling, testing, and referral (CTR) services for YMSM of color (ages 24 years and younger). This may include the sexual partners of YMSM and/or transgendered youth (ages 24 years and younger). If you provide these services, you must meet certain requirements and follow set guidelines. See Attachment 3 for more information.

For example: Improve access to or provide appropriate testing sites, that will be more acceptable and accessible to the target population; and/or improve use of post-test counseling, referrals, and follow-up.

(b) *Health Education and Risk Reduction.* Conduct health education and risk-reduction interventions (HE/RR). These may include individual, group, or community-level interventions.

(c) *Outreach Activities.* Conduct outreach activities to improve access to the target population. Provide face-to-face HIV prevention interactions, handing out condoms, brochures, and other prevention materials.

(5) Assisting high-risk clients with referral to appropriate primary HIV prevention services, and continued prevention and care services if they are infected.

(6) Monitoring, assuring quality, and evaluating your proposed program by—

(a) Using approximately three to five percent of the funds awarded under this announcement for monitoring intervention activities. CDC will provide technical assistance in tracking program activities and quality.

(b) Preparing and submitting to CDC, within the first 6 months of funding, a quality assurance plan for your program.

(c) Participating in a national evaluation program.

(d) Conducting periodic client satisfaction assessments, for example, questionnaires or focus groups.

Note: During the first year of funding, CDC will work with CBOs to develop standardized evaluation formats and activities for grantees.

(7) Putting into place training and capacity building measures to—

(a) Identify the training needs of your staff.

(b) Develop and put into place a plan to address these training needs.

(c) Work with CDC and CDC-funded capacity-building assistance programs to

identify and address the capacity-building needs of your program.

(d) Find and use local resources for organizational and program development, for example, the health department, community development agencies, other CBOs, local colleges and universities, locally based foundations, Service Corps of Retired Executives (a Small Business Administration program), and the local business or industrial community.

(8) Putting into place a communication and information dissemination plan, including—

(a) Marketing your prevention program and services to the target population and local community.

(b) Share lessons learned and successful program models.

(c) Ensuring Internet and e-mail communication for your organization and key program staff during the first year of funding.

Note: You must attend at least one CDC-sponsored meeting of funded agencies. If you sponsor any conferences using CDC funds, you must follow CDC policies for getting approval.

(9) Begin to gather information to help develop and implement a plan for obtaining additional resources from non-CDC sources to further support the program run through this cooperative agreement and to improve the chance that it will continue after the end of the project period.

Note: Local organizations and agencies, such as community development agencies, colleges, and universities, often have information about funding and other types of assistance.

We encourage you to work with other organizations in the community by—

(a) Establishing ongoing collaborations with health departments, community planning groups, academic and research institutions, health care providers, or other local resources in designing, implementing, and evaluating interventions.

(b) Participating in the HIV prevention community planning process. Participation may include going to meetings; if selected, serving as a member of the group; reviewing and commenting on plans; and becoming familiar with and using information from the community planning process, such as the epidemiologic profile, needs assessment data, and intervention strategies. If selected for funding, an overview of project activities should be presented to your jurisdiction's community planning group.

Category B: Strategic Alliances for the Delivery of HIV Prevention Services

Organizations funded under Category B will also be responsible for the activities listed under Category A.

(1) During the first two years of funding, you will have to—

(a) Work to establish dynamic partnerships with other organizations to ensure that a full range of services are available to the target population.

(b) Establish or continue to support this project with a full-time staff position with the responsibility, authority, professional training, and experience needed to lead and coordinate the program activities of the coalition;

(c) Establish or continue to support a coalition including representatives from the health department, local service providers (including CDC-funded CBOs), and affected community members to design, develop, and implement a comprehensive plan for a linked network of HIV prevention services. You should—

(d) Identify key community and opinion leaders and ask them to be a part of the coalition process;

(e) Establish and/or continue to clearly keep track of linkages with local HIV prevention community planning groups, Ryan White CARE Act planning councils, and the State and local health departments;

(f) Establish and/or continue linkages with those local and community-based organizations that provide services to prevent and treat HIV/AIDS, STDs, tuberculosis (TB), and substance abuse. The applicant should also look at including public hospitals, neighborhood and mental health clinics, managed care groups that provide services to persons who receive Medicaid, and Women, Infants, and Children's programs, among others.

Note: The term "coalition," for this announcement, means a group of organizations working together, where each organization has a clearly defined activity assigned to them from the overall program plan. All groups share program responsibilities, but the organization applying for funds must take the lead and perform most of the program activities. The lead organization must meet all requirements above.

Each member of the coalition should sign a formal memoranda of agreement (MOA) (see Attachment 5) that addresses a way to track referrals and ensure appropriate routine sharing of information about your program's activities and progress. You will also need to give details on the role and what each coalition member will bring to the project. The terms and length of time for the agreement, as confirmed by the MOA, signed by the applicant and each coalition member, must be stated. The documents must be signed by those who have the authority to represent the organization, for example, president, chief executive officer, or executive director.

(g) Develop a community needs assessment for YMSM of color (ages 24 years and younger), in the target area. This may include the sexual partners of YMSM and/or transgendered youth (ages 24 years and younger). This should include reviewing epidemiologic and other data, reviewing the State and local HIV prevention comprehensive plans and other planning documents that can help in the development, and finding out what community assets there are and what gaps in service.

Note: Useful background information can be found in the document entitled, PMI: Constructing a Teen HIV Risk Profile (NPIN Inventory #D269). Contact NPIN for this document at 1–800–458–5231.

(h) Develop a detailed plan for creating and maintaining a linked network of services for the targeted community, based on the community needs assessment. This network may include, but not be limited to, HIV, STD, TB, and substance abuse prevention, treatment, and care services; mental health services; primary care services; social services; and family planning services. Your plan must describe in detail all linkages that will exist within the network.

(2) In years 3 through 5, the applicant should—

(a) Coordinate and participate in the full implementation of the plan;

(b) Serve as liaison among members of the coalition and provide management oversight, facilitate program implementation and operations, and maintain effective working relationships;

(c) Conduct an evaluation of system outcomes using both quantitative and qualitative data, for example, an assessment of the changes in access to care for the target population as a result of the coalition's activities.

2. CDC Activities

If you are selected for funding, CDC will support you by:

a. Providing assistance and consultation on program and administrative issues.

b. Meeting and working with you to find out what your training needs are and how to meet those needs.

c. Sharing the most up-to-date information, both scientific and programmatic, to help prevent HIV infection.

d. Providing assistance and information if you choose to use the new rapid test technologies.

e. Helping you establish partnerships with other groups who receive federal funding to support HIV/AIDS activities.

f. Making sure that successful prevention interventions, program models, and lessons learned are shared between grantees through various mediums.

g. Overseeing your success in program and fiscal activities.

h. Develop standardized evaluation formats and activities for grantees.

E. Application Content

1. When Writing the Application

a. Include page numbers throughout your application. Begin with the first page and number each page through to the last page of the last attachment.

b. Have a Table of Contents for the whole package you send in.

c. Begin each separate section of your application on a new page.

d. Not staple or bind the original document submission or the two (2) copies.

e. Type all materials in a 12 point type size, single spaced.

f. Use 8½ × 11 paper.

g. Set the margins at a minimum of 1 inch.

h. Use headers and footers, as needed.

i. Type on one side of the paper only.

Note: The sections that follow give you the questions you have to answer to correctly prepare your application. There are three sections: 1. Proof of Eligibility, 2. Program Narrative, 3. Budget.

2. When Answering the Questions Below, You Must

a. Label each section, as indicated below, using the section title and, when appropriate, the name of the subsection.

b. Use the abbreviation N/A (not applicable), if a section does not apply to your application.

c. Include all information that is part of the basic plan in the main section of the application, for example, activity timetables, evaluation plans, staff program responsibilities.

Note: Your application will be reviewed based on the answers you give to these questions. To be sure you get the best review of your application, follow the format provided below when writing your application. Please answer all questions with complete sentences that provide detailed information about your eligibility and proposed activities. Do not put basic information in attachments.

3. Proof of Eligibility (Categories A and B)

In this section, provide the information requested below about your organization. This will let us know if you are eligible.

a. Is your organization located within and serving one of the MSAs with the highest prevalence of reported AIDS cases among YMSM, their sexual partners, and transgendered youth (ages 24 years and younger). The MSAs are Atlanta, GA; Baltimore, MD; Chicago, IL; Cleveland-Lorain-Elyria, OH; Columbia, SC; Dallas, TX; Detroit, MI; Fort Lauderdale, FL; Houston, TX; Jackson, MS; Jacksonville, FL; Kansas City, MO–KS; Los Angeles, CA; Memphis, TN–AR–MS; Miami, FL; New Orleans, LA; New York, NY; Newark, NJ; Norfolk-Virginia Beach-Newport News, VA; Oakland, CA; Philadelphia, PA; St. Louis, MO; San Antonio, TX; San Diego, CA; San Francisco, CA; San Juan, PR; Seattle, WA; Tampa-St. Petersburg-Clearwater, FL; Orlando, FL; Washington, D.C.; West Palm Beach, FL. If yes, which one?

b. Does your organization have proof of current, valid Internal Revenue Service (IRS) 501(c)(3) tax-exempt status? If you answer yes, you must attach a copy of the letter from the IRS at the end of this section. If you answer no, you are not eligible to submit an application.

c. Can you show that your organization has provided HIV prevention services for 2 years or more to YMSM of color (This may include the sexual partners of YMSM and/or transgendered youth, ages 24 years and younger)?

d. Are you able to show that 75 percent of the persons your program served in the past two years are of racial/ethnic minority populations?

e. Can you provide at least three letters of support from civic, business or faith-based organizations, which are located in the community and also serve the proposed target population, that show you have been providing HIV prevention services to YMSM of color in the target communities.

f. Is your organization applying under Category A or Category B? You cannot apply in both categories as the lead agency.

g. Is your organization a government or municipal agency, a private or public university or college, or a private hospital? (If you answer yes to this question, you are not eligible to apply.)

h. Is your organization included in the category described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities? (If you answer yes to this question, you are not eligible to apply.)

Note: You must answer all of these questions and provide any documents requested. If you do not provide all the materials requested, your application will not be reviewed and will be returned to you.

i. Include the following documentation in the appendix of your application under the label, "Proof of Eligibility."

(1) Copy of the letter from the IRS indicating your 501(c)(3) tax-exempt status.

(2) Any information supporting service you have provided to YMSM, their sexual partners; and transgendered persons (ages 24 years and younger). Include a list of the HIV prevention or care services your organization has provided to the proposed target population and the time period during which each type of service was provided, for example, street outreach, July 1996–present.

4. Program Narrative (Categories A and B)

This section is divided into two parts. The first part outlines the narrative for those applying under Category A. The narrative for Category B is outlined in the second half of this section.

Category A

The narrative should be no more than 35 pages. We have included the number of points attached to each section and a suggested number of pages. Sections can vary in length as long as the total number of pages of the narrative is no more than 35. Total number of points for this section is 1,000. The narrative should address the following areas.

a. Justification of Need (Suggested length: 6 pages) (Points for this section: 75 points)

How this section will be scored: You will be scored on what information you use and how you use it to show the need of the target population for your proposed program. It will help you write your answer for this section, if you check with the health department for information on the HIV statistics and HIV needs assessment developed for the community planning process. Use this information when writing your answers. Answer all of the following questions for this section.

(1) How has your proposed target population been affected by the HIV/AIDS epidemic, for example, how many persons are infected with HIV or AIDS, how many deaths have there been from AIDS, how do socioeconomics affect the population? (20 points)

(2) What are the behaviors and other characteristics of your target population that put them at a high risk of becoming infected with HIV or infecting others (for example, unsafe sexual behaviors as indicated by rates of STDs, teen

pregnancy rates, or assessments of risk behaviors; substance use rates; environmental, social, cultural, or language characteristics)? (20 points)

(3) What are the barriers to accessing HIV prevention counseling and testing in your target population? How will you address these barriers? (20 points)

(4) Which organizations in your area are providing similar services? Please describe their activities and how your proposed activities will further meet the needs of the target population or improve services provided. (5 points)

(5) Is your proposed target population a priority population as indicated in the comprehensive HIV prevention plan developed through the community planning process? If not, please tell us why your proposed activities are needed? (10 points)

b. Program Activities (Suggested length: 15 pages) (Points for this section: 400 points)

How this section will be scored: We will look at whether or not your objectives and goals are likely to be achieved; if your activities are sound, doable, creative, specific (how detailed you are in what you want to do), time-phased (have you set a time frame), and measurable (can you show that your activities made a difference).

Answer all of the following questions for this section.

(1) Proposed Interventions (100 points)

(a) What program model are you planning to use?

(b) Which social-behavioral science theory are you basing your proposed program model on?

(c) What risk behavior(s) or help-seeking behavior(s) will your program model address?

(d) What strategies will you use to build skills and capacity for the identified target population to help them participate effectively on the Community Planning Group, Ryan White Council, or within your CBO?

(e) If you have not chosen a program model, what is your plan to find or develop a plan that is supported by scientific evidence to help lower risk behavior(s) or increase help-seeking behavior(s) or that is based on public health standards and behavioral science theory.

(2) Reaching Your Clients (130 points)

(a) What are your objectives and activities planned to reach YMSM of color during the first year of your proposed project (This may include the sexual partners of YMSM and/or transgendered youth, ages 24 years and younger.)?

(b) What are your objectives and activities planned in your community to reduce stigma and discrimination against this population?

(c) What will you do to reach your target population at high risk of becoming infected with HIV or STDs because of sexual or drug-using behaviors?

(d) What steps will you take to build trust and credibility with this population?

(e) How will you get them to use your services?

(f) How will you use the available social networks to help you provide services?

(g) How will you identify and select youth to become a part of your leadership development program?

(h) How will you involve them in planning, evaluating, and modifying your program activities?

(3) Referral and Linkages (80 points)

(a) What are your objectives and activities to help ensure that YMSM of color who are infected with HIV or at a high risk get treatment and other services they need, for example, medical, mental health, drug use treatment, and social services such as housing and transportation (This may include the sexual partners of YMSM and/or transgendered youth, ages 24 years and younger.)?

(b) If you are working with other organizations, which of your proposed activities will be carried out by those organizations, whether they are part of an HIV prevention coalition, subcontractors, or non-paid partners? You must provide in your application a letter of intent from all partnering organizations, as applicable.

(4) Confidentiality (50 points)

(a) What steps will you take to ensure the confidentiality of all records, information, and activities related to your clients?

(b) What steps will you take to ensure the confidentiality of your clients during program activities?

(5) Management and Staffing of the Program (20 points)

(a) How will you manage your program?

(b) What will be the responsibilities and roles of the staff?

(c) What skills and experience does your staff have working with the target population?

(d) What are the responsibilities and roles of those organizations who you want to work with you (for example, staff responsibilities, skills, experience)?

(6) Time line (20 points)

(a) What are the details of your time line? Include information on the most important steps in your project and the approximate dates for when a step is begun and expected to be completed.

c. Training, Quality Assurance, and Program Monitoring and Evaluation (Suggested length: 8 pages) (Points for this section: 200 points)

How this section will be scored: We will look at your overall plan to determine if your objectives are appropriate to your goals, if they are complete, sound in their methods, doable, specific (how detailed you are in what you want to do), time-phased (have you set a time frame), and measurable (can you show that your activities made a difference).

In this section, discuss how you will address each of the requirements for training, quality assurance, and program monitoring and evaluation. With each goal and set of objectives, you also need to discuss activities, staffing/resources, data collection, and your time line.

Answer all of the following questions for this section.

(1) What will you do to make sure your staff gets the training they need? Give an estimate of the number of staff to be trained, which staff will be trained, and who will provide the training? (40 points)

(2) How will you routinely monitor your staff's activities to find out if they are following established guidelines and protocols and what training they need? (30 points)

(3) How will you determine and meet your organization's needs in the areas of capacity-building or technical assistance? (30 points)

(4) How will you find out if you are meeting your objectives during the first year of operation? (40 points)

(5) How will you measure whether your services are meeting the needs of the target population and if those you refer for services are using the referral? (30 points)

(6) How will you monitor your activities and those of the organizations working with you as subcontractors or as collaborators? (30 points)

d. Organizational History and Experience (Suggested length: 8 pages) (Points for this section: 250 points)

How this section will be scored: We will look at the overall experience of your organization in working with YMSMs of color and their partners. This will include how much experience you have related to your proposed project.

Answer all of the following questions for this section.

(1) How does the composition of your board of directors reflect your target population? (Please use Attachment 6 to provide additional information regarding the composition of your board) (50 points)

(2) How does the composition of your key staff (management, supervisory, and administrative positions) and key service provision positions (for example, outreach worker, prevention case manager, counselor, group facilitator) reflect your target population? (50 points)

(3) What are the specific kinds of health-related services, other than HIV prevention services, that you have provided your target population and for how long? (20 points)

(4) What are the HIV prevention services that you have provided your target population and for how long? (20 points)

(5) How have you ensured that any materials or interventions that you use in your program are culturally sensitive and appropriate for the target population? (30 points)

(6) What other experience does your organization have in providing services to YMSMs of color and their partners, and for how long? (20 points)

(7) What is your organization's experience in linking with other organizations to provide HIV care or prevention services and ongoing care, as needed, for your clients? (20 points)

(8) What experience does your organization have in record keeping of when and how services are provided, evaluating services, and marketing services to the target population? (25 points)

(9) What experience does your organization have in improving the way services are delivered by finding and accessing other resources (for example, other organizations, materials, proven strategies)? (15 points)

e. Communication and Information Dissemination (Suggested length: 3 pages) (Points for this section: 75 points)

How this section will be scored: We will look at the overall experience of your organization sharing information with other partners, health departments, national organizations.

Answer all of the following questions for this section.

(1) How are you planning to market your prevention program and services to the target population and local community? (25 points)

(2) How are you planning to compile lessons learned from the project? (30 points)

(3) How would you ensure access to Internet and e-mail communication for your organization during the first year of funding? (20 points)

Category B

The narrative should be no more than 45 pages. We have included the number of points attached to each section and a suggested number of pages. Sections can vary in length as long as the total number of pages of the narrative is no more than 45. Total points for this section is 1,000. The narrative should address the following areas.

a. Justification of Need (Suggested length: 6 pages) (Points for this section: 75 points)

How this section will be scored: You will be scored on what information you use and how you use it to demonstrate the need of the target population for your proposed program. Check with the health department for information on the HIV statistics and HIV needs assessment developed for the community planning process. Use this information when writing your answer for this section.

Answer all of the following questions for this section.

(1) How has your proposed target population been affected by the HIV/AIDS epidemic, for example, how many persons are infected with HIV or AIDS, how many deaths have there been from AIDS, how do socioeconomics affect the population? (20 points)

(2) What are the behaviors and other characteristics of your target population that put them at a high risk of becoming infected with HIV or infecting others (for example, unsafe sexual behaviors as indicated by rates of STDs, teen pregnancy rates, or assessments of risk behaviors; substance use rates; environmental, social, cultural, or language characteristics)? (20 points)

(3) What are the barriers to accessing HIV prevention counseling and testing in your target population? How will you address these barriers? (20 points)

(4) Which organizations in your area are providing similar services? Please describe their activities and how your proposed activities will further meet the needs of the target population or improve services provided. (5 points)

(5) Is your proposed target population a priority population as indicated in the comprehensive HIV prevention plan developed through the community planning process? If not, please tell us why your proposed activities are needed? (10 points)

b. Program Activities (Suggested length: 20 pages) (Points for this section: 400 points)

How this section will be scored: We will look at whether or not your goals are likely to be achieved; if your activities are sound, doable, creative, specific (how detailed you are in what you want to do), time-phased (have you set a time frame), and measurable (can you show that your activities made a difference).

Answer all of the following questions for this section.

(1) Proposed Interventions (100 points)

(a) What program model are you planning to use?

(b) Which social-behavioral science theory are you basing your proposed program model on?

(c) What risk behavior(s) or help-seeking behavior(s) will your program model address?

(d) What strategies will you use to build skills and capacity for identified target population to help them participate effectively in the Community Planning process, on the Ryan White Council, or within your CBO?

(e) If you have not chosen a program model, what is your plan to find or develop a plan that is supported by scientific evidence to help lower risk behavior(s) or increase help-seeking behavior(s) or that is based on public health standards and behavioral science theory.

(2) Reaching Your Clients (130 points)

(a) What are your objectives and activities planned to reach YMSM of color during the first year of your proposed project (This may include the sexual partners of YMSM and/or transgendered youth ages 24 years and younger.)?

(b) What are your objectives and activities planned in your community to reduce stigma and discrimination against this population?

(c) What will you do to reach your target population at high risk of becoming infected with HIV or STDs because of sexual or drug-using behaviors?

(d) What steps will you take to build trust and credibility with this population?

(e) How will you get them to use your services?

(f) How will you use the available social networks to help you provide services?

(g) How will you identify and select youth to become a part of your leadership development program?

(h) How will you involve them in planning, evaluating, and modifying your program activities?

(3) Referral and Strategic Partnerships (80 points)

(a) How will you help persons who are HIV infected or at a high risk of HIV get the treatment and other services they need (for example, medical, mental health, drug use treatment, and social services such as housing and transportation)?

(b) Who will be part of your coalition? Members may include the following, as appropriate: Community groups and organizations, including churches and religious groups; HIV/AIDS service organizations; Ryan White CARE Title I and Title II planning bodies; schools, boards of education, and other State or local education agencies; State and local substance abuse agencies, community-based and other drug-treatment or detoxification programs; Federally funded community projects, such as those funded by the Substance Abuse and Mental Health Services Administrations' Center for Substance Abuse Treatment and Center for Substance Abuse Prevention, the U.S. Department of Health and Human Services' Health Resource Services Administration, Office of Minority Health, and other Federal agencies; Providers of services to youth in high-risk situations (for example, youth in shelters); State or local departments of mental health; Juvenile and adult criminal justice, correctional, or parole systems and programs; Family planning and women's health agencies; STD and TB clinics and programs; and Medicaid managed care providers.

(c) What would be the responsibilities and roles of each partner organization?

(d) Which of your proposed activities will be carried out by those organizations working with you, whether they are part of an HIV prevention coalition, subcontractor, or non-paid partner? You must provide in your application a letter of intent from all partnering organizations, as applicable.

(4) Confidentiality (50 points)

(a) What steps will you take to ensure the confidentiality of all records, activities, and information related to your clients?

(b) What steps will you take to ensure the confidentiality of your clients during program activities?

(5) Management and Staffing of the Program (20 points)

(a) How will you manage your program?

(b) What will be the responsibilities and roles of the staff?

(c) What skills and experience does your staff have working with the target population?

(d) What are the roles and responsibilities of those organizations you want to work with you (for example, skills, staff responsibilities, experience)?

(6) Time line (20 points)

What are the details of your time line? Include information on the most important steps in your project and the approximate dates for when a step is begun and expected to be completed.

c. Training, Quality Assurance, and Program Monitoring and Evaluation (Suggested length: 8 pages) (Points for this section: 200 points)

How this section will be scored: We will look at your overall plan to determine if your objectives are appropriate to your goals, if they are complete, sound in their methods, doable, specific (how detailed you are in what you want to do), time phased (have you set a time frame), and measurable (can you show that your activities made a difference).

In this section, discuss how you will address each of the requirements for training, quality assurance, and program monitoring and evaluation. With each goal and set of objectives, you also need to discuss activities, staffing/resources, data collection, and your time line.

Answer all of the following questions for this section.

(1) What will you do to make sure your staff gets the training they need? Give an estimate of the number of staff to be trained, which staff will be trained, and who will provide the training? (40 points)

(2) How will you routinely monitor your staff's activities to determine if they are following established guidelines and protocols and what ongoing training they need? (30 points)

(3) How will you determine and meet your organization's needs in the areas of capacity-building or technical assistance? (30 points)

(4) How will you find out if you are meeting your objectives during the first year of operation? (30 points)

(5) How will you measure whether your services are meeting the needs of the target population and if those you refer for services are using the referral? (30 points)

(6) How will you monitor your activities and those of the organizations working with you as subcontractors or as collaborators? (20 points)

(7) How would you monitor the progress of your coalition? (20 points)

d. Organizational History and Experience (Suggested length: 6 pages) (Points for this section: 250 points)

How this section will be scored: We will look at the overall experience of your organization in working with YMSMs, there sexual partners, and transgendered youth and networking with other agencies. This will include how much experience you have related to your proposed project.

Answer all of the following questions for this section.

(1) How does the composition of your board of directors reflect your target population? (40 points)

(2) How does the composition of your key staff (for example, management, supervisory, and administrative positions) and key service provision positions (for example, outreach worker, prevention case manager, counselor, group facilitator) reflect your target population? (40 points)

(3) What are the specific kinds of health-related services, other than HIV prevention services, that you have provided your target population and for how long? (20 points)

(4) What are the HIV prevention services that you have provided your target population and for how long? (20 points)

(5) What other experience does your organization have in providing services to YMSMs and their partners, and for how long? (30 points)

(6) What is your organization's experience in linking with other organizations to provide HIV care or prevention services and ongoing care, if needed, for your clients? (20 points)

(7) What is your agencies experience in developing or being a part of at least one coalition or collaborative activity, not limited to HIV? Please include a summary of the collaboration, its purpose, accomplishments and activities. Attach memoranda of agreement from current coalition members and/or collaborators that describe existing relationships and specify the length of their involvement and contributions (see Attachment 5). (25 points)

If there are no memoranda of agreement, list and describe the organizations and entities that have participated in the coalition and/or collaborative activities. Include a description of existing relationships, length of involvement, and contributions.

(8) How have you ensured that any materials or interventions that you use in your program are culturally sensitive and appropriate for the target population? (25 points)

(9) What is your experience in collaborating with government and non-government organizations, including national agencies or organizations, State and local health departments, community planning groups, and State and local non-government organizations that provide HIV, TB, STD or substance abuse prevention, treatment, and care services? (10 points)

(10) What experience does your organization have in record keeping of when and how services are provided, evaluating services, and marketing services to the target population? (10 points)

(11) What experience does your organization have in improving the way services are delivered by finding and accessing other resources (for example, other organizations, materials, proven strategies)? (10 points)

e. Communication and Information Dissemination (Suggested length: 3 pages) (Points for this section: 75 points)

How this section will be scored: We will look at the overall experience of your organization sharing information with other partners, health departments, national organizations.

Answer all of the following questions for this section.

(1) How are you planning to market your prevention program and services to the target population and local community? (25 points)

(2) How are you planning to compile lessons learned from the project? (30 points)

(3) How would you ensure access to Internet and e-mail communication for your organization during the first year of funding? (20 points)

5. Budget

Categories A and B

In this section, you will need to provide a detailed description of your budget needs and the type and number of staff you will need to successfully put into place your proposed activities. Use Form 5161, 424A for the correct format when writing your budget. These forms are provided in the application package, but are also available in a PDF format at the following Website: http://www.cdc.gov/od/pgo/forminfo.htm.

You must provide details of your budget for each activity you want to do. You must show how the operating costs will support the activities and objectives you propose.

Your organization should have the capability to access the Internet and to download documents about HIV from CDC and other sites, as well as have electronic mail (e-mail) available. If you do not have this capability, you must provide a budget for purchasing this equipment in the first year of funding.

The following information and questions will help you in writing this part of the application.

(1) What are your budget and staffing needs? This answer should provide the specifics of how you plan to spend funds.

Note: CDC may not approve or fund all proposed activities. Give as much detail as possible to support each budget item. List each cost separately when possible.

(2) If you are contracting with other organizations or are applying as a coalition, you must include in the budget the type and name (if known) of the organization(s); how you chose the organization(s); what activities they will do and why they are the best ones to do these activities; a detailed list of the funds you think you will need to pay the organization(s); why and how long you will use their services; and how you will keep track of what they are doing for you.

(3) Provide a description for each job, including job title, function, general duties, and activities; the rate of pay and whether it is hourly or salary; and the level of effort and how much time will be spent on the activities (give this in a percentage, for example, 50% of time spent on evaluation). Also, if you already know names and titles of persons you will be working with, include this information and a resume, if available. If you don't have names yet, tell us how you plan to recruit these persons. For positions that are voluntary, give a description of the work the volunteers will be doing. Also include the experience and training that is available in relation to the proposed project.

(4) If you ask for indirect costs, you must include a copy of your organization's current agreement concerning your negotiated Federal indirect cost rate.

F. Submission and Deadline

You must send to us the original and two (2) copies of PHS 5161 (including SF424—OMB Number 0348–0043). Forms are available at the following website: http://www.cdc.gov/od/pgo/forminfo.htm.

You must also send an original and two (2) copies of your application, including attachments.

Send your application to: David A. Wilson, Grants Management Branch, Procurement and Grants Office, Program Announcement 01163, Centers for Disease Control & Prevention, 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341–4146.

Application Deadline: On or Before July 27, 2001.

Your application will be accepted, if it has a postmark of July 31, 2001 from the U.S. Postal Service or a commercial carrier (no private meters will be accepted) and arrives in time to be given to the independent review group.

Late Applications: Applications that are not received on time, that do not have a readable postmark, have a postmark from a private meter machine, or arrive too late to be included in the independent review, will be considered late, will not be accepted for review, and will be returned to the applicant.

G. Evaluation Criteria

Your application will not be compared to other applications. It will only be reviewed based on the information contained in the narrative section. This will be done by an independent review group that is chosen by CDC. Before final award decisions are made, CDC may make general site visits to those CBOs who rank high on the initial scoring to look at your program, business management, or fiscal capabilities. CDC may also check with the health department and your organization's board of directors to find out more about your organizational structure and the availability of needed services and support.

H. Other Requirements

The following are additional requirements for this program.

AR–4 HIV/AIDS Confidentiality Provisions
AR–5 HIV Program Review Panel Requirements
AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–14 Accounting System Requirements
AR–20 Conference Support
AR–21 Small, Minority, Women-Owned Businesses

Technical Reporting Requirements

If you are selected for funding, you must let CDC know how you are doing by sending to us an original plus two (2) copies of—

1. Quarterly progress reports, no later than 30 days after the end of each 3-month period;

2. A financial status report, no later than 90 days after the end of each budget period;

3. Final financial report and performance report, no later than 90 days after the end of the project period; and

Note: Send all reports to the Grants Management Specialist identified in section "I. Where Can I Get More Information."

If funded, CDC staff will visit your organization to learn about your activities. When asking for the continuation awards, you must again show CDC that you still meet the requirements stated under "B. Who Can Apply?".

Note: Successful applicants may be contacted by the National Prevention Information Network (NPIN) to obtain information on their program resources. Your resources may be used in referrals and resource directories. If selected for funding, three copies of all educational materials and resources developed under this grant should be sent to NPIN for inclusion in their databases.

If you develop HIV prevention materials using CDC funds, you must first check with NPIN to find out if the same kind of materials have already been developed.

NPIN also makes available information and technical assistance services for use in program planning and evaluation. They can be contacted at the numbers and Internet site given above.

NPIN makes available materials on HIV, STD, and TB to the general public through its Internet site (www.cdcnpin.org), its 1–800 number (1–800–458–5231; TTY users: 1–800–243–7012), and fax number (1–888–282–7681).

Human Subjects Guidelines

If you are conducting a research project that involves human subjects, you must ensure that your application includes or addresses the following:

1. Requirements of Title 45 CFR Part 46 for the protection of human subjects? (Not scored; however, an application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.)

2. Requirements of CDC Policy regarding the inclusion of women, ethnic, and racial groups in the proposed research.

This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted.

d. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

Note: Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a) and 317 of the Public Health Service Act, [42 U.S.C. section 241(a) and 247(b)], as amended. The Catalog of Federal Domestic Assistance number is 93.939.

J. Where To Obtain Additional Information

CDC strongly suggests that you supplement this program announcement as it appears in the **Federal Register**, with a copy of the program announcement that is in an easy-to-use format. This easy-to-read version can be found on the CDC home page Internet address http://www.cdc.gov. Click on "Funding" then "Grants and Cooperative Agreements."

To request a hard copy of the application, call 1–888–GRANTS4(1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Program Announcement number you want.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: David A. Wilson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: 770–488–2700, E-mail address: DAWilson@cdc.gov.

For program technical assistance, contact: Bill Comeaux, Project Officer, Prevention Program Branch, Division of HIV/AIDS Prevention, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–E58, Atlanta, GA 30333, Telephone number: 404–639–0968, E-mail address: wcomeaux@cdc.gov.

Dated: June 15, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15595 Filed 6–20–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 01094]

Professional Education on Prostate Cancer: Primary Health Care Providers; Notice of Availability of Funds; Amendment

A notice announcing the availability of Fiscal Year 2001 funds to fund a competing cooperative agreement program for private and public nonprofit medical organizations or associations which was published in the **Federal Register** on May 22, 2001 (Vol. 66, No. 99, Pages 28174–28177).

The notice is amended as follows:

On page 28176, Second Column, under Section F. Submission and Deadline, the submission due date should read on or before June 29, 2001.

Dated: June 15, 2001.

Sandra R. Manning,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15596 Filed 6–20–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Cooperative Research and Development Agreement (CRADA)

AGENCY: Centers for Disease Control and Prevention (CDC), HHS.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking a CRADA partner for collaboration to examine the use of anti-substance P antibodies and/or anti-substance P F(ab)'2 antibody fragments to prevent and/or treat an inflammatory response mediated by substance P associated with respiratory viral infection (particularly respiratory syncytial virus [RSV]). Anti-substance P antibody treatment would be used in combination with agents for anti-viral treatment (e.g., Ribavirin, palivizumab, and RSV fusion inhibitors) to ameliorate substance P-mediated inflammation and disease pathogenesis.

Because CRADAs are designed to facilitate the development of scientific and technologic knowledge into useful, marketable products, a great deal of freedom is given to Federal agencies in

implementing collaborative research. CDC may accept staff, facilities, equipment, supplies, and money from the other participants in a CRADA; CDC may provide staff, facilities, equipment, and supplies to the project. There is a single restriction in this exchange: CDC MAY NOT PROVIDE FUNDS to the other participants in a CRADA.

DATES: This opportunity is available until July 23, 2001. Respondents may be provided a longer period of time to furnish additional information if CDC finds this necessary.

ADDRESSES: The responses must be made to: Lisa Blake-DiSpigna, Technology Transfer Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT:

Technical: Ralph A. Tripp, Ph.D., Respiratory and Enteric Viruses, Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE., Mailstop G–09, Atlanta, GA 30333, telephone (404) 639–3427.

Business: Lisa Blake-DiSpigna, Technology Transfer Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333, telephone (404) 639–3227.

SUPPLEMENTARY INFORMATION: The goal of this CRADA is to seek a partner for collaboration to examine the development and use of anti-substance P antibodies and/or anti-SP F(ab)'2 antibody fragments to prevent and/or treat an inflammatory response mediated by substance P that is associated with respiratory viral infection (particularly RSV). The methods comprise the administration to the subject of a pharmaceutically effective amount of anti-SP antibodies or anti-SP F(ab)'2 antibody fragments to inhibit the activity of endogenous SP in the subject. Anti-SP antibody or anti-SP F(ab)'2 antibody treatment will be used in combination with anti-viral drugs and anti-viral reagents to inhibit the activity of endogenous SP in the subject so as to reduce the level of cytokine/chemokine-based inflammation and pulmonary cell infiltration and alter the disease course.

Respondents should provide evidence of expertise in the development and evaluation of anti-viral drugs and anti-viral reagents, evidence of experience in animal models systems including non-human primate models, commercialization of anti-viral drugs and anti-viral reagents, and supporting data (e.g., publications, proficiency testing, certifications, resumes, etc.) of qualifications for the principle investigator who would be involved in the CRADA. The respondent will develop the final research plan in collaboration with CDC.

Applicant submissions will be judged according to the following criteria:

1. Expertise in development and evaluation of anti-viral drugs and anti-viral reagents;

2. Expertise in evaluation of anti-viral drugs, reagents and anti-viral treatments in animal model systems including non-human primates;

3. Evidence of scientific credibility. The company has the capability of bringing the product to fruition, in part determined by past accomplishments with similar products, and/or that the company has published related studies in peer-reviewed journals;

4. Evidence of commitment and ability to develop anti-substance P monoclonal antibodies for use with anti-viral drugs, anti-viral reagents or antiviral treatments; and

5. Evidence of an existing infrastructure to commercialize successful technologies.

This CRADA is proposed and implemented under the 1986 Federal Technology Transfer Act: Public Law 99–502.

Dated: June 14, 2001.

Thena M. Durham,

Director, Executive Secretariat, Office of the Director, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15602 Filed 6–20–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Low Income Home Energy Assistance Program (LIHEAP) Grantee Survey.

OMB No.: 0970–0076.

Description: The LIHEAP Grantee Survey is an annual data collection activity, which is sent to the 50 States and the District of Columbia grantees administering the Low Income Home Energy Assistance Program (LIHEAP). The survey requests estimates on sources and uses of funds under LIHEAP—preliminary estimates for the current fiscal year and final estimates for the previous fiscal year. We are proposing changes in the collection of data using the Grantee Survey, generally to reduce the burden on grantees, In addition, the annual submission of the Grantee Survey will be changed from voluntary to mandatory. The change to a mandatory submission is necessary to increase the reliability of the data and to make it available on a more time basis. Section 2605(b)(14) of the Low Income Home Energy Assistance Act, as amended, requires grantees to provide assurance that they will cooperate with the Secretary with respect to data collecting and reporting. This is one of 16 assurances a State's governor or someone specifically designated by the governor makes as part of each year's LIHEAP application.

To be in full compliance with section 2605(b)(14), grantees must return the completed survey by the due date.

The preliminary estimates collected by the Grantee Survey for the current fiscal year are needed to provide the Administration and Congress with fiscal and case load estimates in time for hearings about LIHEAP appropriations and program performance. Final estimates for the previous fiscal year will be included in the Department's annual LIEHAP Report to Congress and will be posted on the Department's LIHEAP web site for access by grantees and other interested parties.

Respondents: 50 States and the District of Columbia.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey	51	1	3.5	178.5

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Estimated Total Annual Burden Hours:				178.5

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: June 18, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–15627 Filed 6–20–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA).The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 9, 2001, 10 a.m. to 6 p.m., and July 10, 2001, 8 a.m. to 6 p.m.

Location: Marriott Washingtonian Center, Salons A, B, and C, 9751 Washingtonian Blvd., Gaithersburg, MD.

Contact: Megan Moynahan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8517, ext. 171, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12625. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 9, 2001, the committee will hear brief presentations on issues related to endovascular grafting systems for the treatment of abdominal aortic aneurysms. The committee will then discuss, make recommendations, and vote on a premarket approval application (PMA) for a percutaneous myocardial revascularization system used in the treatment of angina. On July 10, 2001, the committee will discuss, make recommendations, and vote on two separate PMAs for implantable cardiac devices used in the treatment of congestive heart failure.

Background information for each day's topic, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at http://www.fda.gov/cdrh/panelmtg.html. Material for the July 9 meeting will be posted on July 6, 2001; material for the July 10 meeting will be posted on July 9, 2001.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 2, 2001. On July 9, 2001, oral presentations from the public will be scheduled between approximately 10:45 a.m. and 11:30 a.m., and near the end of the committee deliberations. On July 10, 2001, oral presentations from the public will be scheduled between approximately 8 a.m. and 8:30 a.m., and between approximately 1:30 p.m. and 2 p.m., and near the end of the committee deliberations on each submission. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 2, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 14, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–15590 Filed 6–20–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–2124–N]

RIN 0938–AK52

State Children's Health Insurance Program (SCHIP); Redistribution and Continued Availability of Unexpended SCHIP Funds From the Appropriation for FY 1998

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the application of new statutory provisions concerning the redistribution and availability of unexpended funds appropriated for the fiscal year (FY) 1998 for the State Children's Health Insurance Program under title XXI of the Social Security Act. It sets forth the amounts available for each of the 50 States, the District of Columbia, and the Commonwealths and Territories from the FY 1998 appropriation for a second period of availability under the statutory formula. It specifies amounts of allotments that may remain available ("retained allotments") to the States to which those amounts were originally allotted during the initial period, and the amounts of allotments that are redistributed from the States to which they were allotted during the initial period to be available to other States ("redistributed allotments"). This notice implements section 801 of the Medicare, Medicaid and SCHIP Benefits

Improvement and Protection Act (BIPA) (enacted as part of Pub. L. 106–554 on December 21, 2000).

FOR FURTHER INFORMATION CONTACT: Richard Strauss, (410) 786–2019.

SUPPLEMENTARY INFORMATION:

I. Background

Title XXI of the Social Security Act (the Act) sets forth the State Children's Health Insurance Program (SCHIP) to enable States, the District of Columbia, and specified Commonwealths and Territories to initiate and expand health insurance coverage to uninsured, low-income children. In this notice, unless otherwise indicated, the use of the terms "State" and "States," refers to any or all of the 50 States, the District of Columbia, and the Commonwealths and Territories. States may implement SCHIP through a separate State program under title XXI of the Act, an expanded program under title XIX of the Act, or a combination of both. Under section 2104 of the Act, the SCHIP allotments for a fiscal year (FY) are available to match expenditures under an approved State child health plan for a 3-fiscal year "period of availability," including the fiscal year for which the allotment was provided. After the initial period of availability, the amount of unspent allotments is subject to a second period of availability. With the exception described below for the allotments made in FYs 1998 and 1999, allotments unspent in the initial period of availability are to be redistributed from States that did not fully spend these allotments to States that fully spent their allotments for that fiscal year. The Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), enacted as part of Pub. L. 106–554 on December 21, 2000, amended title XXI of the Act, in part by establishing new requirements for the second period of availability of amounts of FYs 1998 and 1999 allotments unspent during the initial period of availability. These requirements limit the redistribution of unspent allotments to States that fully spent their FY 1998 or 1999 allotments (redistributed amounts). These requirements also provide that amounts of unspent allotments not redistributed as a result of these limits would remain available to States that did not fully expend their FY 1998 or 1999 allotments (retained allotments). These requirements prescribe a methodology and process for determining the FY 1998 and FY 1999 allotment redistribution and retention amounts.

II. Provisions of This Notice

This notice announces the application of the new statutory provisions concerning the redistribution and continued availability of unexpended funds appropriated for FY 1998 for the SCHIP under title XXI of the Act. It sets forth the FY 1998 unexpended amounts available for redistribution or continued availability for the States. Section 2104 of the Act provides an allotment for each fiscal year for Federal matching payments for an initial 3-year period for the States. Specifically, section 801 of BIPA added the new section 2104(g) to the Act to provide for a methodology to redistribute or continue availability of all unexpended amounts for FYs 1998 and 1999 at the end of the initial 3-year period.

Section 2104 of the Act requires the Secretary to calculate allotments for each State with an approved State child health plan based on available appropriated funds for each fiscal year. All States had approved plans in order to have access to their final FY 1998 SCHIP allotments, which were published on May 24, 2000 in the **Federal Register** (65 FR 33634). The final rule setting forth the methodologies and procedures to determine the allotment of Federal funds for each fiscal year and the grant award and payment process was also published on May 24, 2000 in the **Federal Register** (65 FR 33616).

BIPA amended the SCHIP statute to add a new section 2104(g) to the Act, which required the Secretary to redistribute limited amounts of the unexpended allotments for FYs 1998 and 1999 to States that had fully expended their allotments for those years, and extended the availability of remaining unexpended allotments for those years, in accordance with a specified formula. This notice sets forth the results of the statutory formula to the unexpended allotments for FY 1998, and describes the methodology for the redistribution and continued availability of unexpended SCHIP allotments. A later notice will be published to address the unexpended allotments for FY 1999.

III. Application of the Provisions of Section 2104(g) of the Act to the Unexpended FY 1998 SCHIP Allotments To Determine the Redistribution and Continued Availability of Allotments for Each State

Section 2104(e) of the Act requires that the amount of a State's allotment for a fiscal year be available to the State for matching allowable State expenditures for a 3-year initial period of availability; the fiscal year for which the funds are allotted, and the two following fiscal years. For FY 1998, the 3-year initial period of availability is October 1, 1997 through September 30, 2000. With the exception of the methodology specified in BIPA for treating unspent FY 1998 and 1999 allotments, section 2104(f) requires redistribution of the entire amount of unspent allotments after the initial period of availability has expired. Section 2104(e) of the Act provides that redistributed funds are available for matching State expenditures through the end of the fiscal year in which they are reallotted. Before BIPA, the FY 1998 redistribution funds would have been available through the end of FY 2001; that is, through September 30, 2001. Any redistributed funds for the fiscal year that remained unexpended at the end of the fiscal year in which they were reallotted would have reverted to the Federal Treasury.

BIPA did not repeal or delete sections 2104(e) and (f) of the Act. However, BIPA added a new section 2104(g) of the Act that established a formula for redistributing and continuing the availability of unexpended allotments for FYs 1998 and 1999 and references the provisions of sections 2104(e) and (f) of the Act. This formula replaces the redistribution that otherwise would have been required under section 2104(f) of the Act.

Section 2104(g) of the Act requires the Secretary to redistribute and continue availability of the unexpended FYs 1998 and 1999 allotments under section 2104(f) of the Act. Section 2104(g) also provides that both FYs 1998 and 1999 redistribution amounts and FYs 1998 and 1999 retained amounts, under sections 2104(g)(1)(B)(ii) and 2104(g)(2)(A)(i) of the Act, respectively, shall remain available to the States through the end of FY 2002; that is, through September 30, 2002.

Section 2104(g)(2)(C) of the Act provides an exception to otherwise applicable limits on outreach expenditures for States that did not fully expend their FY 1998 allotments during the initial period of availability. Section 2105(c)(2) of the Act provided for a "10-percent fiscal year limit" for certain expenditures, including outreach, administration, health services initiatives, and other child health assistance expenditures. This limit provides that Federal matching funds are not available for expenditures other than child health assistance for targeted low-income children in excess of 10-percent of the total expenditures during a fiscal year. Section 2104(g)(2)(C) of the

Act allows States that did not fully spend their FY 1998 allotment in the initial availability period to use up to 10-percent of the amount of the *retained* FY 1998 allotment for outreach activities approved by the Secretary without those expenditures being applied against the State's 10-percent fiscal year limit. In this notice we refer to this provision of section 2104(g)(2)(C) of the Act as the "BIPA outreach allowance" or "new outreach allowance." This BIPA outreach allowance is distinguished from the limit in section 2105(c)(2) of the Act, which we refer to in this notice as the "10-percent fiscal year limit."

There are some differences in the application of the 10-percent fiscal year limit under section 2105(c)(2) of the Act and the new outreach allowance under section 2104(g)(2) of the Act. Under section 2105(c)(2) of the Act, the 10-percent fiscal year limit is applied to a State's total expenditures for a fiscal year. In this regard, "total expenditures" refers to both the State and Federal share portions of the expenditures. The calculation of the 10-percent fiscal year limit is set forth in 42 CFR 457.618. However, the new outreach allowance under section 2104(g)(2) of the Act, as added by BIPA, is equal to 10-percent of the FY 1998 *retained* allotment amounts, which are only in Federal share amounts. Furthermore, the BIPA outreach allowance is available only if the State's FY 1998 retained allotment is available. That is, once a State's retained allotment is exhausted, the BIPA outreach allowance is no longer available, even if the amount of outreach expenditures claimed is less than the outreach allowance of 10-percent of the FY 1998 retained allotment.

We have established a process under which we will track, through the Medicaid and SCHIP budget and expenditure reporting system, the Federal share amounts of title XXI outreach expenditures against the new outreach allowance. If the Federal share amounts of a State's retained allotment outreach expenditure claims exceed this new outreach allowance, the total expenditures (State and Federal share) associated with the excess Federal share amounts will be applied against the 10-percent fiscal year limit. In addition, the total outreach expenditures associated with outreach claims made after a State's retained allotment amounts are exhausted will be applied against the 10-percent fiscal year limit (whether or not the new outreach allowance was met).

The availability of retained allotment funds and the BIPA outreach allowance is determined in accordance with requirements related to the ordering of expenditures. Section 2105(a)(2) of the Act, as amended by BIPA, requires that expenditures be applied against a State's available fiscal year SCHIP allotment amounts in the following order:

(1) Title XIX SCHIP related expenditures for which payment is made at the enhanced Federal medical assistance percentage (FMAP) (section 2105(a)(1)(A) of the Act);

(2) Title XIX expenditures for medical assistance provided during a presumptive eligibility period under section 1920A of the Act (section 2105(a)(1)(B) of the Act);

(3) Child health assistance for targeted low-income children in the form of providing health benefits coverage that meets the requirements of section 2103 (section 2105(a)(1)(C) of the Act); (4)(a) SCHIP expenditures applicable to the 10-percent fiscal year limit (not including outreach and administrative expenditures) (section 2105(a)(1)(D)(i and ii) of the Act); (4)(b) Outreach expenditures (section 2105(a)(1)(D)(iii) of the Act); and (4)(c) Administration expenditures (section 2105(a)(1)(D)(iv) of the Act).

To implement the BIPA outreach allowance, claims for Federal matching funds for outreach expenditures will be compared to the new outreach allowance. If, under this comparison, the Federal share of outreach expenditures is less than or equal to, but not greater than, the new outreach allowance, *none* of these outreach expenditures will be applied against the 10-percent fiscal year limit; they will only serve to reduce the new outreach allowance. The following example illustrates this:

Example 1. The State's FY 1998 retained allotment is $20 million. Therefore, the State's outreach allowance would be $2 million (10 percent of $20 million). On the first quarterly expenditure report for FY 2001, the State claims $2 million in outreach expenditures (Federal share). In this example, assume at least $2 million of retained allotment funds, based on claims of expenditures other than outreach, remain available. Since the outreach claims are $2 million, none of the outreach expenditures would apply against the 10-percent fiscal year limit; but instead would be applied to reduce the new outreach allowance. In this case, if the outreach claims were exactly $2 million, there would be $0 remaining of the BIPA outreach allowance ($2 million outreach allowance minus $2 million in outreach claims).

If the Federal share of claims for outreach expenditures is greater than the BIPA outreach allowance, the *total* (State and Federal share) expenditures in excess of the Federal share amount above the new outreach allowance will be applied against the 10-percent fiscal year limit. Example 2 illustrates this:

Example 2. The State's FY 1998 retained allotment is $20 million. Therefore, the State's outreach allowance would be $2 million (10 percent of $20 million). In this example, assume there are at least $2 million of available retained allotment funds, based on claims of expenditures other than outreach. On the first quarterly expenditure report for FY 2001, the State claims $2,650,000 in outreach expenditures (Federal share). These claims exceed the outreach allowance by $650,000 ($2,650,000 in outreach claims minus the $2 million outreach allowance). We will apply the outreach expenditure claims first to exhaust the outreach allowance. The total expenditures (State and Federal shares) associated with the remaining $650,000 in outreach claims that are in excess of the new outreach allowance would then be subject to the 10-percent fiscal year limit, as long as the State has not exceeded the 10-percent fiscal year limit. Therefore, the amount of outreach claims up to the outreach allowance ($2 million) would not be included in expenditures applied against the 10-percent fiscal year limit. Assuming an enhanced Federal matching rate of 65 percent, the claim for Federal matching in excess of the outreach allowance would represent $1 million ($650,000 divided by 65 percent, the State's enhanced FMAP). The $1 million in total outreach expenditures would be applied against the 10-percent fiscal year limit.

Example 3a, illustrates the case in which *program* expenditures are applied first to exhaust the State's available FY 1998 retained allotment amount, resulting in the new outreach allowance being unavailable. Example 3b, illustrates the case in which the BIPA outreach allowance is used by the application of *outreach* expenditures first to exhaust the new outreach allowance. The only difference between Examples 3a and 3b is the order of submission in the categories of expenditures; the amounts of the expenditures are the same. The result is that in Example 3a, all of the outreach expenditures must be applied against the 10-percent fiscal year limit; in Example 3b, none of the outreach expenditures are applied against the 10-percent fiscal year limit.

Example 3a. The State's retained FY 1998 allotment amount is $20 million; therefore, the BIPA outreach allowance is $2 million (10 percent of $20 million). On the first quarter expenditure report for FY 2001, the State claims $21 million in Federal matching for SCHIP *program* expenditures. On the second quarter expenditure report for FY 2001, the State claims $2 million in Federal matching for *outreach* expenditures. The first quarter FY 2001 claims of $21 million in program expenditures would be applied first against, and thereby exhaust, the State's FY 1998 retained allotment of $20 million. Since the retained allotment amounts are no longer available, the BIPA outreach allowance would also no longer be available. Therefore, *all* $2 million of the total second quarter FY 2001 outreach expenditures (State and Federal share) would be applied against the State's FY 2001 10-percent fiscal year limit. In this example, if the State's enhanced FMAP was 65 percent, approximately $3.1 million ($2 million divided by 65 percent), representing the State and Federal shares of the $2 million Federal share claim, would be applied against the State's FY 2001 10-percent fiscal year limit.

Example 3b. Assume the same facts as in Example 3a, except that the order of submission of expenditures, by quarter, is reversed; that is, $2 million in *outreach* expenditures are submitted on the *first* quarter expenditure report for FY 2001, and $21 million in program expenditures are submitted on the second quarter expenditure report for FY 2001. In this example, the $2 million in outreach expenditures would be applied first against the new outreach allowance, reducing it to $0; these outreach expenditure claims would also be applied against the State's $20 million FY 1998 retained allotment, thereby reducing it to $18 million ($20 million minus $2 million). Since the outreach expenditures were not in excess of the BIPA outreach allowance, none of the outreach expenditures would be applied against the State's FY 2001 10-percent fiscal year limit. The $21 million in program expenditure claims included in the second quarter expenditure report for FY 2001 would then be applied against the remaining retained allotment amounts ($18 million), and the $3 million excess would be applied against the next available SCHIP allotment.

In general, States' expenditures will be applied against the FY 1998 redistribution and retained amounts in accordance with existing SCHIP regulations on allotments (42 CFR parts 447 and 457). These regulations, however, do not directly address the treatment of redistributed allotments because they do not make clear whether these expenditures will be applied to these allotments based on the fiscal year of the initial allotment, the fiscal year of the redistribution, or the fiscal year of the allotment whose expiration date matches the redistribution. This notice permits States the option to decide the order of application of expenditures against the redistribution amounts and other available fiscal year allotment amounts. Under this option, a redistribution State may have a maximum of four possible choices for the order of the application of FY 1998 redistribution funds in FY 2001, depending on what other fiscal year allotments are available in FY 2001: (1) Before FY 1999 allotments, (2) after FY 1999 and before FY 2000 allotments, (3) after FY 2000 and before FY 2001 allotments, and (4) after FY 2001 allotments.

We believe that States should be afforded the flexibility to decide whether redistributed funds would be used before or after other available allotment funds to allow them to optimize the use of such funds. Therefore, in implementing the BIPA legislation, we offered States that will receive an FY 1998 *redistribution* the option of choosing the order of when it would be expended during FY 2001 among the other available allotments during FY 2001. All of the redistribution States have responded to us with their decision regarding this option. Under this option, *once a State chooses the order of the FY 1998 redistribution amounts, it cannot change that order at a later date.*

Both the redistribution amounts and the retained amounts for FY 1998 will be available for allowable SCHIP expenditures reported for the 2-year extension period of October 1, 2000 through September 30, 2002. This will ensure that the redistribution and retained allotment amounts will be available for SCHIP expenditures for the entire period, October 1, 2000 through September 30, 2002, even though this notice is being published after October 1, 2000.

We have made provisions on the Form HCFA–21C, Allocation of Title XIX and Title XXI Expenditures to the SCHIP Fiscal Year Allotment, which is used for tracking States' expenditures against their allotments, to include the States' FY 1998 redistributed and retained amounts. The redistributed and retained amounts will be automatically entered on this form and the Medicaid and SCHIP expenditure system will automatically apply expenditures reported on the quarterly expenditure reports for the period of October 1, 2000 through September 30, 2002 to the FY 1998 redistributed and retained amounts available through September 30, 2002. Except as provided above in terms of the States' options with respect to the redistribution amounts, expenditures reported by States during this period will be applied first against any available FY 1998 redistribution or retained amounts before they will be applied against any other available FY allotments or future FY redistribution and retained amounts, in accordance with the SCHIP regulations published on May 24, 2000 in the **Federal Register** (65 FR 33616).

IV. Determination of Redistribution or Continued Availability of Unexpended FY 1998 Allotments

In Table 1 of this notice, we set forth the amount of unexpended allotments as of December 15, 2000, as specified in section 2104(g) of the Act. We also set forth the retained amounts that, under the statutory formula, are subject to continued availability by States that did not fully expend their FY 1998 allotments, and the amounts that are redistributed for availability to States that fully expended their FY 1998 allotments. The formula for determining the redistributed and retained amounts of the FY 1998 SCHIP allotments is described below.

Establishing the Amount of Unexpended FY 1998 Allotments. The amount of unexpended FY 1998 allotments is established by comparing the total reported by each State for the 3-year period of availability on its 12 quarterly expenditure reports for the period, as submitted and certified to HCFA as of December 15, 2000, to the amounts of the State's final FY 1998 allotment, as published on May 24, 2000 in the **Federal Register** (65 FR 33634).

Based on States' expenditure reports submitted and certified through December 15, 2000, the total amount of unexpended FY 1998 SCHIP allotments is $2,033,508,296.

Time Frames for Expenditure Reports. To determine unexpended allotments during the initial period of availability, or to identify States that have fully expended their allotments, section 2104(g)(3) of the Act provides that the Secretary use expenditures reported as of December 15, 2000 on the Form HCFA–64 or HCFA–21, as approved by the Secretary. By December 15, 2000, all States did report and certify their FY 2000 fourth quarter expenditure reports (representing the last of the 12 quarterly expenditure reports for the 3-year period of availability for FY 1998).

Expenditures reflected in Table 1 below were taken from our Medicaid and State Children's Health Insurance Program Budget and Expenditure System (MBES/CBES) "masterfile," which represent the State's official certified SCHIP and Medicaid expenditure reporting system records.

Redistribution for the States and the District of Columbia. Section 2104(g)(1)(i)(I) of the Act specifies the FY 1998 redistribution for the 50 States and the District of Columbia that have fully expended their FY 1998 allotments. Specifically, the redistribution amounts are equal to these States' "excess" expenditures during the FY 1998 period of availability; this amount is the difference between the States' total reported applicable expenditures for the period FYs 1998 through 2000, and the States' FY 1998 SCHIP allotments.

Redistribution for the Commonwealths and Territories. Section 2104(g)(1)(ii) of the Act specifies the FY 1998 redistribution for the Commonwealths and Territories that have fully expended their FY 1998 allotments. Under this provision, first the total Commonwealths and Territories redistribution amount is calculated by multiplying the total amount of the allotments available for redistribution and continued availability by 1.05 percent; for the FY 1998 redistribution calculation, this amount is $21,351,837 (1.05 percent of $2,033,508,296). Second, only those Commonwealths and Territories that have fully expended their FY 1998 allotments will receive an amount equal to a specified percentage of the 1.05 percent amount; that percentage is determined by dividing the Commonwealth or Territory's FY 1998 SCHIP allotment by the total of all the jurisdictions' FY 1998 allotments.

Continued Availability of Unexpended FY 1998 Allotments. Section 2104(g)(2)(B) of the Act specifies the formula for determining the amount of the unexpended FY 1998 allotments for continued availability to States. Under section 2104(g)(2)(B) of the Act, first the total amount for continued availability for all States is determined. The total amount for continued availability is calculated by subtracting the redistribution amounts from the total amount available for redistribution or continued availability described above. Next, a percentage is calculated by dividing the total retained amounts by the total amount available for redistribution or continued availability. Finally, each State's retained amount is calculated by multiplying this percentage by the amount of the State's unexpended FY 1998 SCHIP allotment.

V. Table of SCHIP FY 1998 Redistribution and Continued Availability of Unexpended FY 1998 Allotments

A description of the formula used to determine the amount of the unexpendedFY 1998 SCHIP allotments for redistribution or continued availability is described below. Following the description is Table 1, which presents each State's FY 1998 SCHIP allotment redistribution or retained amount.

Redistribution. A total of $4,235,000,000 was allotted nationally for FY 1998, representing $4,224,262,500 in allotments to the 50 States and the District of Columbia, and $10,737,500 in allotments to the Commonwealths and Territories. Based on the 12 quarterly expenditure reports for the FY 1998 3-year period of availability, which were submitted and certified by December 15, 2000, 12 States and all of the Commonwealths and Territories fully expended their FY 1998 allotments.

Thirty-nine States including the District of Columbia did not fully expend their FY 1998 allotments. For the 39 States, including the District of Columbia, that did not fully expend their FY 1998 allotments, their total FY 1998 allotments were $3,401,470,924, and their total expenditures through the end of the FY 1998 3-year period of availability were $1,367,962,628. Therefore, the amount available for redistribution for FY 1998 is $2,033,508,296 ($3,401,470,924 minus $1,367,962,628).

In accordance with the redistribution calculation for FY 1998 described above, of the total $2,033,508,296 available from the FY 1998 allotments, $698,855,508 is needed for redistribution for 12 States, and $21,351,837 is needed for redistribution to the Commonwealths and Territories. Therefore, a total of $720,207,345 is needed for redistribution. As a result, $1,313,300,951 ($2,033,508,296 minus $720,207,345) is the total amount for continued availability to the 39 States, including the District of Columbia. Both the $720,207,345 redistribution amount and the $1,313,300,951 retained amounts will remain available through the end of FY 2002.

Key to Table 1—Calculation of the SCHIP FY 1998 Redistribution and Continued Availability of the Unexpended FY 1998 Allotments

Column/Description

Column A = *State.* Name of State, District of Columbia, the Commonwealth or Territory.

Column B = *FYs 98–00 Expenditures, as Reported and Certified by States, and Approved by HCFA, By December 15, 2000.* This column contains the cumulative expenditures for the 3-year period of availability for FY 1998 (October 1, 1997 through September 30, 2000), as reported and certified by all States by December 15, 2000.

Column C = *FY 1998 Allotment.* This column contains the FY 1998 SCHIP allotments for all States, which were published on May 24, 2000 in the **Federal Register** (65 FR 33634).

Column D = *Unexpended FY 1998 Allotment Amounts.* This column contains the amounts of unexpended FY 1998 SCHIP allotments for States that did not fully expend the allotments during the 3-year period of availability for FY 1998 (FYs 1998 through 2000), and is equal to the difference between the amounts in Column C and Column B. For States that did fully expend their FY 1998 allotments during the period of availability, the entry in this column is "NA." The total of the amounts in this column indicated at the bottom of Column D ($2,033,508,296) represents the total amount available for redistribution and continued availability for FY 1998.

Column E = *Redistributed Amounts.* This column contains the amounts of States' unexpended FY 1998 SCHIP allotments that are being redistributed to those States that have fully expended their FY 1998 allotments. For the States that have fully expended their FY 1998 SCHIP allotments, the amount in Column E is the difference between Column B and Column C. This represents, as applicable, the amount that each State's cumulative expenditures for FYs 1998 through 2000 exceeded its FY 1998 allotment. For the 12 States that have fully expended their FY 1998 allotments, the FY 1998 redistribution amounts total $698,855,508. For the Commonwealths and Territories that have fully expended their FY 1998 allotments, the amounts in Column E represents their respective proportionate shares of $21,351,837 based on their FY 1998 allotments (1.05 percent of the total amount for redistribution and continued availability of $2,033,508,296). For those States, Commonwealths and Territories that did not fully expend

their FY 1998 allotments during the period of availability, the entry in Column E is "NA."

Column F = *Continued Allotment Availability.* For the States that did not fully expend their FY 1998 allotments, this column contains the amounts of the States' FY 1998 unexpended allotments after the application of the proportionate reduction to account for the total redistribution amounts needed for the States that did fully expend their FY 1998 allotments. As indicated at the top of Column F, the proportionate reduction is approximately 64.6 percent. This percentage is multiplied by the unexpended amounts of the States' FY 1998 allotments in Column D; the result is the amount that remains available of the States' unexpended FY 1998 allotments. As indicated at the bottom of Column F, the total amount that remains available of the unexpended FY 1998 allotments is $1,313,300,951.

Column G = *Unexpended Amounts Used in Redistribution.* For the States that did not fully expend their FY 1998 allotments, this column contains the amounts of the States' FY 1998 unexpended allotments that were used in the redistribution in Column E; these amounts are no longer available to these States. The amount in Column G is equal to the difference between Columns D and F. For States that did fully expend their FY 1998 allotments, the entry in Column G is "NA."

BILLING CODE 4120-01-P

TABLE 1 - CALCULATION OF THE SCHIP FFY 1998 REDISTRIBUTION AND CONTINUED AVAILABILITY OF THE UNEXPENDED FFY 1998 ALLOTMENTS						
		TOTAL AMOUNT OF FFY 1998 ALLOTMENT FOR REDISTRIBUTION AND CONTINUED AVAILABILITY:			$2,033,508,296	
		TOTAL AMOUNT NEEDED FOR FFY 1998 REDISTRIBUTION:			$720,207,345	
		TOTAL FFY 1998 RETAINED AMOUNTS:			$1,313,300,951	
		FFY 1998 RETAINED AMOUNTS AS A PERCENTAGE OF TOTAL POOL:			64.6%	
STATE	FFY 98-00 EXPENDITURES, AS REPORTED & CERTIFIED BY STATES, AND APPROVED BY HCFA, THROUGH 12/15/00	FFY 1998 ALLOTMENT	UNEXPENDED FFY 1998 ALLOTMENT AMOUNTS	REDISTRIBUTION AMOUNTS	CONTINUED ALLOTMENT AVAILABILITY	AMOUNTS CONTRIBUTED TO REDISTRIBTUTION
A	B	C	D	E	F	G
Alabama	$57,311,038	$85,975,213	$28,664,175	NA	$18,512,188	$10,151,987
Alaska	$21,894,847	$6,889,296	NA	$15,005,551	NA	NA
Arizona	$38,242,389	$116,797,799	$78,555,410	NA	$50,733,452	$27,821,958
Arkansas	$2,202,763	$47,907,958	$45,705,195	NA	$29,517,793	$16,187,402
California	$257,011,950	$854,644,807	$597,632,857	NA	$385,969,313	$211,663,544
Colorado	$23,942,735	$41,790,546	$17,847,811	NA	$11,526,654	$6,321,157
Connecticut	$25,062,575	$34,959,075	$9,896,500	NA	$6,391,458	$3,505,042
Delaware	$2,289,855	$8,053,463	$5,763,608	NA	$3,722,312	$2,041,296
District of Columbia	$6,262,215	$12,076,002	$5,813,787	NA	$3,754,719	$2,059,068
Florida	$183,046,365	$270,214,724	$87,168,359	NA	$56,295,954	$30,872,405
Georgia	$56,178,012	$124,660,136	$68,482,124	NA	$44,227,820	$24,254,304
Hawaii	$420,296	$8,945,304	$8,525,008	NA	$5,505,707	$3,019,301
Idaho	$12,775,632	$15,879,707	$3,104,075	NA	$2,004,705	$1,099,370
Illinois	$53,472,202	$122,528,573	$69,056,371	NA	$44,598,686	$24,457,685
Indiana	$115,420,868	$70,512,432	NA	$44,908,436	NA	NA
Iowa	$26,332,129	$32,460,463	$6,128,334	NA	$3,957,863	$2,170,471
Kansas	$21,561,892	$30,656,520	$9,094,628	NA	$5,873,585	$3,221,043
Kentucky	$77,851,894	$49,932,527	NA	$27,919,367	NA	NA
Louisiana	$35,655,148	$101,736,840	$66,081,692	NA	$42,677,549	$23,404,143
Maine	$17,018,705	$12,486,977	NA	$4,531,728	NA	NA
Maryland	$106,284,158	$61,627,358	NA	$44,656,800	NA	NA
Massachusetts	$79,551,043	$42,836,231	NA	$36,714,812	NA	NA
Michigan	$51,726,748	$91,585,508	$39,858,760	NA	$25,741,989	$14,116,771
Minnesota	$15,221	$28,395,980	$28,380,759	NA	$18,329,150	$10,051,609
Mississippi	$29,178,423	$56,017,103	$26,838,680	NA	$17,333,229	$9,505,451
Missouri	$60,909,264	$51,673,123	NA	$9,236,141	NA	NA
Montana	$4,687,358	$11,740,395	$6,853,037	NA	$4,425,898	$2,427,139
Nebraska	$9,881,246	$14,862,926	$4,981,680	NA	$3,217,319	$1,764,361
Nevada	$13,063,864	$30,407,067	$17,343,203	NA	$11,200,763	$6,142,440
New Hampshire	$2,539,250	$11,458,404	$8,919,154	NA	$5,760,258	$3,158,896
New Jersey	$70,008,328	$88,417,899	$18,409,571	NA	$11,889,456	$6,520,115
New Mexico	$4,210,228	$62,972,705	$58,762,477	NA	$37,950,579	$20,811,898
New York	$690,516,665	$255,626,409	NA	$434,890,256	NA	NA
North Carolina	$100,410,653	$79,508,462	NA	$20,902,191	NA	NA
North Dakota	$1,859,325	$5,040,741	$3,181,416	NA	$2,054,654	$1,126,762
Ohio	$97,579,565	$115,734,364	$18,154,799	NA	$11,724,916	$6,429,883
Oklahoma	$51,257,243	$85,699,060	$34,441,817	NA	$22,243,564	$12,198,253
Oregon	$20,147,896	$39,121,663	$18,973,767	NA	$12,253,831	$6,719,936
Pennsylvania	$123,046,184	$117,456,520	NA	$5,589,664	NA	NA
Rhode Island	$12,671,272	$10,684,422	NA	$1,986,850	NA	NA
South Carolina	$116,071,531	$63,557,819	NA	$52,513,712	NA	NA
South Dakota	$4,655,275	$8,541,224	$3,885,949	NA	$2,509,663	$1,376,286
Tennessee	$41,705,133	$66,153,082	$24,447,949	NA	$15,789,222	$8,658,727
Texas	$81,261,672	$561,331,521	$480,069,849	NA	$310,043,579	$170,026,270
Utah	$20,835,906	$24,241,159	$3,405,253	NA	$2,199,215	$1,206,038
Vermont	$1,955,112	$3,535,445	$1,580,333	NA	$1,020,627	$559,706
Virginia	$23,549,911	$68,314,914	$44,765,003	NA	$28,910,588	$15,854,415
Washington	$604,279	$46,661,213	$46,056,934	NA	$29,744,956	$16,311,978
West Virginia	$10,771,106	$23,606,744	$12,835,638	NA	$8,289,642	$4,545,996
Wisconsin	$23,461,361	$40,633,039	$17,171,678	NA	$11,089,987	$6,081,691
Wyoming	$1,040,982	$7,711,638	$6,670,656	NA	$4,308,111	$2,362,545
TOTAL STATES ONLY	$2,889,609,712	$4,224,262,500	$2,033,508,296	$698,855,508	$1,313,300,951	$720,207,345
COMMONWEALTHS AND TERRITORIES						
Puerto Rico	$75,076,505	$9,835,550	NA	$19,558,283	NA	NA
Guam	$1,536,662	$375,812	NA	$747,314	NA	NA
Virgin Islands	$898,004	$279,175	NA	$555,148	NA	NA
American Samoa	$2,500,616	$128,850	NA	$256,222	NA	NA
N. Mariana Islands	$2,795,386	$118,113	NA	$234,870	NA	NA
TOTAL	$82,807,173	$10,737,500	$0	$21,351,837	$0	$0
			1.05% OF FFY 1998 REDIST. POOL			
NATIONAL TOTAL	$2,972,416,885	$4,235,000,000	$2,033,508,296	$720,207,345	$1,313,300,951	$720,207,345
			TOTAL FY 1998 REDISTRIBUTION AND RETAINED AMOUNTS	TOTAL FFY 1998 REDISTRIBUTION AMOUNTS	RETAINED AMOUNTS	TOTAL AMOUNTS CONTRIBUTED TO REDISTRIBUTION

1/10/01

BILLING CODE 4120-01-C

VI. Impact Statement

We have examined the impact of this notice as required by Executive Order (EO) 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when rules are necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, other advantages, distributive impacts, and equity). The Regulatory Flexibility Act (RFA) requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations and government agencies. This announcement is the result of a statutory formula that does not involve any agency discretion or policy.

The Unfunded Mandates Reform Act of 1995 requires that agencies prepare an assessment of anticipated costs and benefits before publishing any notice that may result in an annual expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted each year for inflation) in any one year. Because participation in the SCHIP program on the part of States is voluntary, any payments and expenditures States make or incur on behalf of the program that are not reimbursed by the Federal Government are made voluntarily. This notice will not create an unfunded mandate on States, tribal, or local governments. Therefore, we are not required to perform an assessment of the costs and benefits of these regulations.

Under Executive Order 13132, Federalism, we have reviewed this notice and determined that it does not significantly affect States' rights, roles, and responsibilities.

Low-income children will benefit from payments under this program through increased opportunities for health insurance coverage.

We believe this notice will have an overall positive impact by informing States, the District of Columbia, and Commonwealths and Territories of the extent to which they are permitted to expend funds under their child health plans using the FY 1998 allotment redistribution and retained amounts.

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

(Section 1102 of the Social Security Act (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 00.000, State Children's Health Insurance Program)

Dated: March 19, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Dated: May 27, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–15577 Filed 6–20–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–42]

Notice of Submission of Proposed Information Collection to OMB; Application for Multifamily Housing Project

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0029) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information. (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Application for Multifamily Housing Project.

OMB Approval Number: 2502–0029.

Form Numbers: HUD–92013, HUD–92013–Supp, HUD–92013–NHICF.

Description of the Need for the Information and its Proposed Use: Authority for this report is Section 207(b) of the National Housing Act (P.L. 479, 48 Stat. 12 U.S.C. 1701 et seq.). Completed by sponsors and general contractors of proposed multifamily projects and submitted by a HUD-approved mortgages for application of FHA mortgage insurance. Forms are used to determine project feasibility, principal's acceptability, and creditworthiness. Required by HUD to analyze specific information including financial data, sponsors qualifications, credit standing, and project feasibility for mortgage insurance and other benefits.

Respondents: Business or other for-profit, Not-for-profit institutions.

Frequency of Submission: One time only during initial application period.

Reporting burden:	Number of respondents	x	Frequency of respondents	x	Hours per response	=	Burden hours
	6,300		1		26.7		168,280

Total Estimated Burden Hours: 168,280.

Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 13, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–15566 Filed 6–20–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–43]

Notice of Submission of Proposed Information Collection to OMB; Economic Development Initiative (EDI) & Brownfields Economic Development Initiative (BEDI) Grant Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2506–0153) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Economic Development Initiative (EDI) & Brownfields Economic Development Initiative (BEDI) Grant Programs.

OMB Approval Number: 2506–0153.

Form Numbers: HUD–40076.

Description of the Need for the Information and Its Proposed Use: Information collection is required to rate and rank applications submitted as part of a funding competition and to ensure funding eligibility of applicant activities. Respondents are units of general local government eligible for Section 108 Loan Guarantees under 42 U.S.C. 5308.

Respondents: State, Local or Tribal Government.

Frequency of Submission: Annually.

Reporting Burden:	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
	100		1		81.6		8,160

Total Estimated Burden Hours: 8,160.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 14, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–15567 Filed 6–20–01; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4456–N–17]

Privacy Act of 1974; Notice of a Computer Matching Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of a Computer Matching Program—HUD and the Internal Revenue Service (IRS).

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 (June 19, 1989)), and OMB Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public," the Department of Housing and Urban Development (HUD) is issuing a public notice of its intent to conduct a computer matching program with the Internal Revenue Service (IRS). Under the terms of the agreement IRS agrees to disclose to HUD taxpayer mailing addresses as authorized by the Commissioner or her delegate pursuant to section 6103(m)(2) of the Internal Revenue Code (IRC) for use in locating individuals to collect or compromise Federal claims in accordance with 31 United States Code (U.S.C.) 3711, 3717 and 3718. This program is called the Taxpayer Address Request Program (TAR). It was established by the IRS to facilitate the retrieval of taxpayer mailing addresses from the individual Master File on a volume basis. The volume of addresses and the method in which the IRS maintains the information make computer matching the most feasible method of extracting the data for disclosure to other agencies. Using the TAR computer matching program, current addresses can be obtained from the IRS within a one-week period, thereby avoiding the expenditure of substantial Federal resources in the manual execution of a matching process or investigations by a large workforce to ascertain the current

address of individuals against whom the agency has a claim or indebtedness.

DATES: *Effective Date:* Computer matching is expected to begin 30 days after publication of this notice in the **Federal Register** unless comments are received which will result in a contrary determination, or 40 days from the date a computer matching agreement is signed, whichever is later.

Comments Due Date: July 23, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

For Privacy Act Information and for Further Information From Recipient Agency Contact: Jeanette Smith, Departmental Privacy Act Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708–2374 or FAX (202) 708–3135. [These are not toll-free numbers.]

For Further Information From Source Agency Contact: M.R. Taylor, Internal Revenue Service, Office of Governmental Liaison, CL: GLD: GL Room 16111R, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone number (202) 622–5145 or Fax (202) 622–3041. [These are not toll-free numbers.]

Reporting

In accordance with Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, and Office of Management and Budget (OMB), Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public;" copies of this notice and report are being provided to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority: The matching program will be conducted under the authority of section 6103(m)(2) of the Internal Revenue Code and 31 United States Code 3711, 3717 and 3718.

Objectives To Be Met By the Matching Program

HUD expects that this computer matching program will enable it to quickly and effectively identify and locate individual debtors, and to obtain current mailing addresses of defaulted debtors.

Records To Be Matched

HUD will utilize its system of records entitled, Accounting Records, HUD/Dept–2. HUD will submit approximately 40,000 records annually of individuals with outstanding Federal debts for matching purposes. These records are extracted from the Privacy Act system of records, HUD/Dept–2, Accounting Records, maintained in the following programs and automated systems: (1) Title I—Debt Management Collection System; (2) Section 312—Loan Mortgage System; and (3) Departmental Claims—Delinquent Debt Control System. The IRS will extract taxpayer address information from Privacy Act System of Records: Individual Master File, Treas/IRS 24.030, maintained at the Martinsburg Computing Center, Martinsburg, WV. This file contains approximately 20 million records of taxpayers who have filed U.S. Individual Income Tax returns.

Notice Procedures

The IRS provides direct notice to taxpayers in the instructions to Form 1040, 1040A, and 1040EZ that information provided on U.S. Individual Income Tax Returns may be given to other Federal agencies, as provided by law. HUD agrees to ensure that each applicant, at the time of application, receives written notice that the information provided on the application is subject to verification through computer matching with other Federal agencies for the purpose of locating delinquent debtors. Direct notice consists of appropriate language printed on its application forms or a separate handout provided to the individual.

Categories of Records/Individuals Involved

The debtor records include these data elements: SSN, claim number, program code, and indication of indebtedness. Categories of records include: Records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures.

Period of the Match

Matching will begin at least 40 days from the date copies of the signed (by both Data Integrity Boards) computer matching agreement are sent to both Houses of Congress or at least 30 days from the date this Notice is published in the **Federal Register**, whichever is later, providing no comments are received which will result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: June 13, 2001.

Gloria R. Parker,

Chief Information Officer.

[FR Doc. 01–15565 Filed 6–20–01; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–041672

Applicant: Wade Stamp, Corps of Engineers, Lowell, Oregon.

The applicant requests a permit to take (harass by survey and kill larvae) the Fender's blue butterfly (*Icaricia icarioides fenderi*) in conjunction with surveys, monitoring, and habitat restoration activities, including manual removal of woody material and fall mowing, at Fern Ridge Reservoir, Lane County, Oregon, for the purpose of enhancing its survival.

Permit No. TE–042952

Applicant: Riverside Land Conservancy, Rialto, California.

The applicant requests a permit to take (harass by survey) the Delphi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) in conjunction with surveys and population monitoring associated with land acquisition in the City of Rialto, San Bernardino County, California, for the purpose of enhancing its survival.

Permit No. TE–779910

Applicant: William E. Haas, San Diego, California.

The applicant requests a permit amendment to expand take (harass by survey) of the southwestern willow flycatcher (*Empidonax traillii extimus*)

to include New Mexico and Nevada for the purpose of enhancing its survival.

Permit No. TE–023250

Applicant: The Department of the Navy, San Diego, California.

The applicant requests a permit amendment to take (attach radio transmitters) the San Clemente loggerhead shrike (*Lanius ludovicianus mearnsi*) in conjunction with scientific research on San Clemente Island, California for the purpose of enhancing its survival.

Permit No. TE–789266

Applicant: Tricia Campbell, Temecula, California.

The applicant requests a permit amendment to take (harass by survey, capture and band) the southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and research throughout the species' range in California for the purpose of enhancing their survival.

Permit No. TE–043631

Applicant: Curtis Cash, Reseda, California.

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (Lepidurus packardi), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE–043630

Applicant: San Francisco Estuary Institute, Richmond, California.

The applicant requests a permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with ecological research in Alameda, San Mateo, and Santa Clara Counties, California for the purpose of enhancing its survival.

Permit No. TE–043102

Applicant: Janelle N. Nolan-Summers, Antelope, California.

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (Lepidurus packardi), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California and Oregon for the purpose of enhancing their survival.

Permit No. TE–007581

Applicant: Tito Alejandro Marchant, Newport Beach, California.

The applicant requests a permit amendment to take (survey by pursuit) the El Segundo blue butterfly (*Euphilotes battoides allyni*) in conjunction with population monitoring in Los Angeles County, California; and take (harass by survey, collect and sacrifice) the San Diego fairy shrimp (*Brachinecta sandiegonensis*) and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species range in California for the purpose of enhancing their survival.

Permit No. TE–007520

Applicant: Julie Simonsen-Marchant, Newport Beach, California.

The applicant requests a permit amendment to take (survey by pursuit) the El Segundo blue butterfly (*Euphilotes battoides allyni*) in conjunction with population monitoring in Los Angeles County, California, for the purpose of enhancing its survival.

Permit No. Permit No. TE–702631

Applicant: Assistant Regional Director-Ecological Services, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

The permittee requests a permit amendment to remove/reduce to possession *Astragalus pycnostachyus var. lanosissimus* (Ventura marsh milk vetch) throughout the species' range in conjunction with recovery efforts for the purpose of enhancing its survival.

Permit No. TE–040833

Applicant: Nancy Kay Cione, Angelus Oaks, California.

The applicant requests a permit to take (capture, mark, and release) the Stephens' kangaroo rat (*Dipodomys stephensi*) in conjunction with surveys and population monitoring througout the species' range in California for the purpose of enhancing its survival.

DATES: Written comments on these permit applications must be received on or before July 23, 2001.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: June 13, 2001.

Rowan W. Gould,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 01–15599 Filed 6–20–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment on the Proposal To Establish Operational/Experimental General Swan Hunting Seasons in the Pacific Flyway

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This Notice advises the public that an Environmental Assessment on the Continuation of General Swan Hunting Seasons in Portions of the Pacific Flyway is available for public review.

ADDRESSES: Copies of the Environmental Assessment can be obtained by writing to Robert Trost, Pacific Flyway Representative, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181. The Environmental Assessment may also be viewed via the Fish and Wildlife Service Home Page at http://migratorybirds.fws.gov.

FOR FURTHER INFORMATION CONTACT: Robert Trost at: Pacific Flyway Representative, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181, (503) 231–6162.

SUPPLEMENTARY INFORMATION: The Environmental Assessment includes a review of the 5-year experimental general swan hunting seasons which

took place from 1995 to 2000 as well as a summary of the results of the 2000 hunting season. Information from the most recent breeding season and wintering populations surveys is also included in the new Environmental Assessment. Three alternatives were considered to address the future of operational and experimental swan hunting seasons in Utah, Nevada and Montana. The issuance of a new Environmental Assessment was prompted by controversy over current management and the need to incorporate experience from the 2000 hunting season and the results of recent population surveys. There were also many requests from individuals, States, and various conservation organizations for a thorough examination of alternatives for swan hunting in the Pacific Flyway in light of continuing concerns for the Rocky Mountain Population of trumpeter swans. The Environmental Assessment focuses on the issue of whether or not to establish an operational approach for swan hunting. Related efforts to address population status and distributional concerns regarding the Rocky Mountain Population of trumpeter swans are also discussed. Three alternatives, including the proposed action, were considered.

Dated: June 14, 2001.

Kevin R. Adams,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 01–15634 Filed 6–20–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

National Wildlife Refuge System: Mission Goals and Purposes: Policy: Reopening of Comment Period: Draft Policy on National Wildlife Refuge System: Mission, Goals, and Purposes (Notice); Draft Appropriate Refuge Uses Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (Notice); Draft Wildlife-Dependent Recreational Uses Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (Notice); and Draft Wilderness Stewardship Policy Pursuant to the Wilderness Act of 1964 (Notice)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; further reopening of comment period.

SUMMARY: We are reopening the comment period on the **Federal Register** notice dated January 16, 2001, that invites the public to comment on the following draft policies: National Wildlife Refuge System: Mission, Goals, and Purposes; Appropriate Refuge Uses Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997; Wildlife-Dependent Recreational Uses Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997; and Wilderness Stewardship Policy Pursuant to the Wilderness Act of 1964.

DATES: The comment period will reopen on June 18 and close midnight, June 30, 2001.

ADDRESSES: Submit comments in the following ways: in writing to Acting Chief, Division of Conservation Planning and Policy, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 670, Arlington, Virginia 22203; by FAX to (703) 358–2248; or by e:mail to one of the following addresses:

Mission And Goals Policy Comments@fws.gov;
Appropriate_Uses_Policy_Comments@fws.gov;
Wildlife_Dependent_Recreational_Uses_Policy_Comments@fws.gov; or
Wilderness_Policy_Comments@fws.gov.

FOR FURTHER INFORMATION CONTACT: Barry Stieglitz, Acting Chief, Division of Conservation Planning and Policy, National Wildlife Refuge System (703) 358–1744.

SUPPLEMENTARY INFORMATION: In a **Federal Register** notice dated January 16, 2001 (66 FR 3668) we published draft policies for: National Wildlife Refuge System: Mission, Goals, and Purposes (Notice); Appropriate Refuge Uses Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (Notice); Wildlife-Dependent Recreational Uses Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (Notice); and Wilderness Stewardship Policy Pursuant to the Wilderness Act of 1964 (Notice). These policies, affecting management and use of the National Wildlife Refuge System, represent the culmination of our initial policy development in response to the landmark National Wildlife Refuge System Improvement Act of 1997.

In a subsequent **Federal Register** notice dated March 15, 2001 (66 FR 15136) we extended the comment period until April 19, 2001, to ensure that the public had an adequate opportunity to review and comment on our draft policies.

To allow for continued discussion with the States on these policies, we reopened the comment period for an additional 30 days in a **Federal Register** notice dated May 15, 2001 (66 FR 26879). As a correction to the May 15, 2001, notice, comments received between April 19, 2001, and May 15, 2001, will be considered and do not need to be resubmitted.

To allow for further discussion with the States on these policies, we are extending the comment period until June 30, 2001.

Dated: June 8, 2001.

Marshall P. Jones, Jr.,

Acting Director.

[FR Doc. 01–15655 Filed 6–20–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice of Availability of the Draft Environmental Impact Statement (EIS) and Locations and Dates of Public Hearings for Delineation Drilling Activities in Federal Waters Offshore Santa Barbara County, CA

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of the draft EIS and announcement of locations and dates of public hearings.

SUMMARY: The MMS announces the availability of the draft EIS on Delineation Drilling Activities in Federal Waters Offshore Santa Barbara County, California. This draft EIS evaluates the potential environmental impacts associated with drilling 4 or 5 separate Federal Outer Continental Shelf (OCS) oil and gas delineation wells on existing OCS leases located offshore southern California. Delineation is a type of exploration drilling activity that involves drilling a well to gather additional information about the nature and extent of the hydrocarbon reservoirs in areas where a discovery has already been made.

DATES: Comments on the draft EIS will be accepted until August 13, 2001.

FOR FURTHER INFORMATION CONTACT: Questions concerning the draft EIS should be directed to Mr. Maurice Hill, Minerals Management Service, Office of Environmental Evaluation, Pacific OCS Region, 770 Paseo Camarillo, Camarillo, California 93010–6064. He may be reached by telephone at (805) 389–7815.

SUPPLEMENTARY INFORMATION: The purpose of this document is to provide information for Federal, State, and local agencies, and the public to evaluate the effects of the proposed delineation

projects and the cumulative effects of past, present, and reasonably foreseeable actions. The proposed action discussed in this draft EIS is the sequential drilling of 4 or 5 delineation wells on four separate OCS units using a semi-submersible drilling vessel, commonly referred to as a mobile offshore drilling unit. A unit is a number of leases grouped together to prevent waste, conserve natural resources, and protect Federal royalty interests. Each of the four subject units has been previously explored under Exploration Plans (EP) approved by the MMS and found consistent with the California Coastal Management Plan by the California Coastal Commission. Operators are expected to submit to the MMS revisions to 4 to 5 existing EP's in September 2001. The operators of these units, Nuevo Energy Company, Aera Energy LLC, and Samedan Oil Corporation, propose to drill delineation wells to complete their data on reservoir configuration and characteristics. It would take 68 to 92 days to drill and test each well. The first well would commence drilling in May 2002 and the last well in May 2003. The data received from these wells would assist the operators in determining how to develop and produce the oil and gas reserves underlying these and possibly adjacent units.

The Notice of Intent to prepare this EIS (**Federal Register**, Vol. 65, No. 226, pages 70361–70362, November 22, 2000) referred to "exploratory drilling activities." We have renamed the document to more specifically reflect the fact that "delineation drilling activities" are the focus of the draft EIS. As discussed above, and defined in the Notice of Intent, delineation is a type of exploration drilling activity that involves drilling a well to gather additional information about the nature and extent of the hydrocarbon reservoirs in areas where a discovery has already been made.

EIS Availability: The draft EIS is available on our web site at *www.mms.gov/omm/pacific.* In addition, you may obtain single copies of the draft EIS by writing the Minerals Management Service, Pacific OCS Region, Attention: Delineation Drilling Activities Draft EIS, 770 Paseo Camarillo, Camarillo, California 93010–6064, or by calling Janice Hall at 1–800–672–2627. Please indicate whether you would like to receive a paper copy of the draft EIS or a CD–ROM. To avoid excess printing and mailing costs, we will not accept e-mail requests for hard copies or CD–ROM's.

The draft EIS will also be available at the following California libraries:

Camarillo Public Library, 3100 Ponderosa Drive, Camarillo;
Cambria Library, 900 Main Street, Cambria;
Carpinteria Public Library, 5141 Carpinteria Avenue, Carpinteria;
Goleta Public Library, 500 N. Fairview, Goleta;
Davidson Library, University of California at Santa Barbara, Santa Barbara;
Robert F. Kennedy Library, Cal Poly State University, San Luis Obispo;
Santa Barbara Central Public Library, 40 E. Anapamu, Santa Barbara;
Santa Barbara Museum of Natural History, Library, 2559 Puesta Del Sol Road, Santa Barbara;
U.S. National Park Service Library, Channel Islands National Park, 1901 Spinnaker Drive, Ventura;
Ventura College Library, 4667 Telephone Road, Ventura.

Public Hearings: The MMS will hold two public hearings to receive comments on the draft EIS. The hearings present one of the opportunities to provide us with information that will help in the evaluation of the potential effects of the proposed action. The second is direct mail or email comments on the document.

Hearings will be held in Santa Barbara and Santa Maria on the following dates and times: July 10, 2001, 1–5 p.m. and 6–9 p.m., Fess Parker Doubletree Hotel, 633 East Cabrillo Boulevard, Santa Barbara; and July 12, 2001, 1–5 p.m. and 6–9 p.m., Ethel Pope Auditorium, 901 S. Broadway Street Santa Maria.

If you wish to testify at a hearing, you may register at the hearing site from noon to 8:30 p.m. Speakers will be limited to 3 minutes and will speak in the order of their registration. Elected officials will be given preference.

Written statements submitted at a hearing will be considered part of the hearing record. If you are unable to attend the hearing, or prefer to provide written comments separately, you may submit your comments until Monday, August 13, 2001, the closing date for public comments. Send written comments to the Minerals Management Service, Pacific OCS Region, Attention: Delineation Drilling Activities Draft EIS, 770 Paseo Camarillo, Camarillo, California 93010–6064. Written comments may be provided by e-mail to Delineation Drilling@mms.gov. Please provide your name and address when commenting by mail or e-mail.

Dated: June 18, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01–15639 Filed 6–20–01; 8:45 am]
BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Williamson Museum, Northwestern State University of Louisiana, Natchitoches, LA, and in the Control of the Louisiana Division of Archaeology, Baton Rouge, LA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Williamson Museum, Northwestern State University of Louisiana, Natchitoches, LA, and in the control of the Louisiana Division of Archaeology, Baton Rouge, LA, that meet the definition of "unassociated funerary objects" under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The one object from the Mill Creek site, Bienville Parish, LA, is a Maddox Engraved vessel.

This object was removed in 1960s, during archeological excavations conducted by Dr. Clarence H. Webb, who donated it to the Louisiana Division of Archaeology. In 1971, the object was transferred to the Williamson Museum.

Museum records indicate that this vessel was removed from a grave; no remains from the grave are held in the museum. Maddox Engraved pottery is dated to Caddo III–IV (A.D. 1200–1500) periods.

The two objects from the Allen Plantation site, Natchitoches Parish, LA, are one Hickory Engraved bottle and one bowl.

These objects were removed in 1935–41, during archeological excavations conducted by Dr. Clarence H. Webb, who donated them to the Louisiana Division of Archaeology. In 1979, the objects were transferred to the Williamson Museum.

Museum records and consultation with the Caddo Tribe identified these vessels as unassociated funerary objects. The objects were salvaged from a grave in a road cut; no remains from the grave

are held in the museum. Typologically, these vessels fall into the Caddo I period (A.D. 900–1000), and are not associated with the nearby historic Allen Site.

The 53 objects from the Mounds Plantation site (16CD12), Caddo Parish, LA, are 50 cane mat fragments, 1 pottery jar, 1 bois d'arc wand/staff, and 1 bois d'arc fragment.

These objects were removed in the 1960s, during archeological excavations conducted by Dr. Clarence H. Webb, who donated them to the Louisiana Division of Archaeology. In 1979, the objects were transferred to the Williamson Museum.

The Mounds Plantation site is one of the earliest Caddoan ceremonial centers (circa A.D. 900–1000). The objects were found in a log tomb; no remains from the tomb are held in the museum. Consultation with the Caddo, supplemented by museum records, established that these were funerary objects.

Based on the above-mentioned information, officials of the Williamson Museum, Northwestern State University of Louisiana, and the Louisiana Division of Archaeology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 56 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from specific burial sites of Native American individuals. Officials of the Williamson Museum, Northwestern State University of Louisiana, and the Louisiana Division of Archaeology also have determined that, pursuant to 43 CAR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these unassociated funerary objects and the Caddo Indian Tribe of Oklahoma.

This notice has been sent to officials of the Caddo Indian Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these unassociated funerary objects should contact Dr. Pete Gregory, Director, Williamson Museum, Northwestern State University of Louisiana, Natchitoches, LA 71497, telephone (318) 357–8170, or Dr. Tom Eubanks, Louisiana Division of Archaeology, P.O. Box 44247, Baton Rouge, LA 70804, telephone (504) 342–8170, before July 23, 2001. Repatriation of these unassociated funerary objects to the Caddo Indian Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: May 25, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15561 Filed 6–20–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Williamson Museum, Northwestern State University of Louisiana, Natchitoches, LA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Williamson Museum, Northwestern State University of Louisiana, Natchitoches, LA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Williamson Museum, Northwestern State University of Louisiana, professional staff in consultation with representatives of the Caddo Indian Tribe of Oklahoma.

In the 1960s, human remains representing a minimum of one individual were recovered from the Cedar Bluff site (16WN1), Winn Parish, LA, by Clint Pine and H.F. Gregory, who donated these remains to the Williamson Museum, Northwestern State University of Louisiana. No known individual was identified. No associated funerary objects are present.

Cedar Bluff is located within 12–15 miles of sites known to have been inhabited by two historic Caddoan speaking groups, the Natchitoches and Doustioni. The archeological sequence derives these tribal entities directly from a long occupation of northwestern Louisiana by these Caddoan tribal groups. Surface collections including sherds and projectile points suggest a Caddo II–III (Belcher-Bossier phase, circa A.D. 1200–1500) affiliation for this site.

In 1939–40, human remains representing one individual were recovered from the Lawton Gin site, Natchitoches Parish, LA, by an unknown person. In the 1960s, the remains were donated to the Williamson Museum, Northwestern State University of Louisiana, by Caroline Dormon. Information in the Dormon Papers in Northwestern State University of Louisiana Archives indicates that these remains were taken from the Lawton Gin site. No known individual was identified. No associated funerary objects are present.

The Lawton Gin site is a postcontact site, dating to the 1700s. Consultation with the Caddo Tribe has identified these remains as Caddo. In addition, archeological evidence from this and contemporaneous sites was used to define the Lawton Phase (A.D. 1714–1800), which has been culturally identified with the Natchitoches confederacy of the Caddo. Lawton Phase sites cluster around Natchitoches, which was established as a French trading post in 1714. While other tribes visited the area to trade, the Native American settlements were Caddoan. The archeological evidence for the cultural continuity between Lawton Phase sites and the Caddo Tribe consists primarily of ceramic styles, vessel forms, and geographical locations. The historical record includes documentary and cartographic materials describing the Natchitoches confederacy of the Caddo Tribe, which lived along the Red River near Natchitoches.

In the 1970s, human remains representing a minimum of one individual were recovered from the J.C. LaCaze site, Natchitoches Parish, LA, by Northwestern State University of Louisiana students, who donated them to the Williamson Museum, Northwestern State University of Louisiana. No known individual was identified. No associated funerary objects are present.

The remains were collected from the surface of a plowed field. Sherd collections suggest that this midden site dates to Caddo I period (A.D. 900–1200). Archeological evidence in northwestern Louisiana, eastern Texas, and southwestern Arkansas suggests that the contemporary Caddo people are the descendants of peoples whose cultural development began in the Caddo I period.

In the 1980s, human remains representing a minimum of one individual were recovered from the Luster site (16NA403), Bayou Terre

Blanche, Natchitoches Parish, LA, by H.F. Gregory and Randall Pleasant, who donated them to the Williamson Museum, Northwestern State University of Louisiana. No known individual was identified. No associated funerary objects are present.

The remains were collected from the backdirt of a pot-hunter's excavation. Sherd collections from this midden seem to date it to the Caddo III–IV periods (A.D. 1200–1400). The Adaes were the nearest historic Caddoan group. To the north were historic Yatasi villages, and about 16 miles east were the Natchitoches villages. All of these groups are Caddoan speakers.

Based on the above-mentioned information, officials of the Williamson Museum, Northwestern State University of Louisiana, have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of four individuals of Native American ancestry. Officials of the Williamson Museum, Northwestern State University of Louisiana, also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Caddo Indian Tribe of Oklahoma.

This notice has been sent to officials of the Caddo Indian Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Pete Gregory, Director, Williamson Museum, Northwestern State University of Louisiana, Natchitoches, LA 71497, telephone (318) 357–8170, before July 23, 2001. Repatriation of the human remains to the Caddo Indian Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: May 25, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15562 Filed 6–20–01 ; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Feasibility Study, Enhanced Ferry Service, Golden Gate National Recreation Area, San Francisco Bay Area, California; Notice of Interviews of Current Passenger Ferry Operators

The National Park Service (NPS), Golden Gate National Recreation Area (GGNRA), is currently studying increased commercial marine vessel service (including new ferry routes) to various sites within and contiguous to GGNRA. A team of transportation consultants has been retained to advise GGNRA on the feasibility of enhanced ferry service. The consultants expect to interview park users, tourism industry leaders, and residents of northern California to help determine the feasibility of these new services. As a part of this study, the consultants and NPS also expect to interview and obtain comment from commercial vessel operators to understand the opportunities and the constraints associated with these new services. Personal interviews will be conducted in the San Francisco Metropolitan area or by telephone at vessel operator option. Should any firm with applicable maritime experience (defined as follows: currently operating vessels with U.S. Coast Guard approval to transport more than 100 passengers, and currently providing, or provided within the last 30 days, regularly scheduled commuter and/or scheduled recreational water transportation services) desire to participate in the commercial vessel operator interview phase of the study, the appropriate company official must contact the National Park Service, Maria Banuelos Connell, at 415 561–4944, no later than July 14,2001.

Dated: June 1, 2001.

Brian O'Neill,

General Superintendent, Golden Gate National Recreation Area.

[FR Doc. 01–15560 Filed 6–20–01; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–455]

Notice of Decision To Review Two Initial Determinations Granting Intervention but Denying Respondent Status; Grant of Motion for Leave To File a Reply

In the Matter of certain network interface cards and access points for use in direct sequence spread spectrum wireless local area networks and products containing same.

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review two initial determinations ("IDs") (Orders Nos. 12 and 13) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation, granting the motions of Intersil Corporation ("Intersil") and Agere Systems, Inc. ("Agere"), respectively, to intervene, but denying them respondent status. The Commission has also granted Intersil's motion for leave to file a reply brief. No further submissions are requested of the parties.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3115. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 9, 2001, based on a complaint filed by Proxim, Inc. ("Proxim") against 14 entities other than Intersil or Agere. The notice of investigation was published in the **Federal Register** on April 9, 2001. 66 FR 18507. The complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and/or sale within the United States after importation of certain wireless network interface cards and access points by reason of infringement of certain U.S. patents owned by Proxim. On April 16, 2001, Intersil and Agere each filed separate motions to intervene as respondents in the investigation.

Proxim filed a response to Intersil's motion in which it opposed the intervention of Intersil as a respondent, but did not object if Intersil was permitted to become a party to the investigation as an intervenor. The Commission investigative attorney ("IA") supported intervention of Intersil as an intervenor, but not as a respondent.

Proxim and the IA did not oppose intervention of Agere. However, Proxim noted that Agere failed to state why it should be considered a respondent

rather than an intervenor and, therefore, Proxim saw no reason to designate Agere as a respondent. The IA supported intervention of Agere as an intervenor, but opposed granting Agere respondent status.

On May 8, 2001, and on May 15, 2001, the ALJ issued two IDs (Orders Nos. 12 and 13) allowing Intersil and Agere, respectively, to become intervenors in the present investigation, but denying Intersil and Agere respondent status. On May 18, 2001, Intersil filed petition for review of Order No. 12. No party petitioned for review of Order No.13.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42, 210.43, and 210.44 of the Commission's Rules of Practice and Procedure (19 CFR § 210.42, 210.43, and 210.44).

Issued: June 18, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–15635 Filed 6–20–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

June 8, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Marlene Howze at ((202) 219–8904 or Email *Howze-Marlene@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ESA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment standards Administration (ESA).

Title: Survivor's Form for Benefits.

OMB Number: 1215–0069.

Affected Public: Individuals or households.

Frequency: One time.

Number of Respondents: 2,500.

Number of Annual Responses: 2,500.

Estimated Time Per Response: 8 minutes.

Total Burden Hours: 333.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $740.

Description: Survivors of Black Lung Act beneficiaries are entitled to be considered for benefits under 30 U.S.C. 901 of the Black Lung Benefits Act and 20 CFR 725.304. The collection of information is required to administer the benefit payment provisions of the Black Lung Benefits Act for survivors of deceased miners. Completion of this form constitutes the application for benefits by survivors and assists in determining the survivor's entitlement to benefits.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–15636 Filed 6–20–01; 8:45 am]

BILLING CODE 4510–CK–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed reinstatement of the "Current Population Survey (CPS) Displaced Worker, Job Tenure, and Occupational Mobility Supplement," to be conducted in January 2002. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section of this notice on or before August 20, 2001.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See Addresses section.)

SUPPLEMENTARY INFORMATION:

I. Background

The January 2002 Current Population Survey (CPS) supplement concerning Displaced Workers, Job Tenure, and Occupational Mobility is sponsored by the Department of Labor, Employment and Training Administration (ETA). The supplement was previously conducted in conjunction with the February 2000 CPS. The information will be used to determine the size and nature of the population affected by job displacements and, hence, the needs and scope of programs serving adult displaced workers. The information collected also will be used to assess employment stability by determining the length of time workers have been with their current employer and estimating the incidence of occupational change over the course of a year. In addition, data on job tenure for all workers are needed to calculate the incidence of displacement among

various worker groups so that comparisons can be made over time and among different affected groups. Combining the questions on displacement, job tenure, and occupational mobility will enable analysts to obtain a more complete picture of employment stability.

II. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Action

Office of Management and Budget clearance is being sought for the CPS Displaced Worker, Job Tenure, and Occupational Mobility Supplement.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Agency: Bureau of Labor Statistics.

Title: CPS Displaced Worker, Job Tenure, and Occupational Mobility Supplement.

OMB Number: 1220–0104.

Affected Public: Households.

Total Respondents: 58,000.

Frequency: Biennially.

Total Responses: 58,000.

Average Time Per Response: 9 minutes.

Estimated Total Burden Hours: 8,700 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, D.C., this 11th day of June, 2001.

Jesús Salinas,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 01–15637 Filed 6–20–01; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0209–2000]

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that a collection of information regarding occupational injuries and illnesses has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This document announces the OMB approval number and expiration date.

FOR FURTHER INFORMATION CONTACT: Joseph J. DuBois, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3507, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693–1875.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 28, 2000 (65 FR 39944), the Agency announced its intent to request an extension of approval for the OSHA Data Collection System. This data collection will request occupational injury and illness data and employment and hours worked data from selected employers in the following Standard Industrial Classification (SICs):

20–39 Manufacturing
0181 Ornamental Floriculture and Nursery Products
0182 Food Crops Grown Under Cover
0211 Beef Cattle Feedlots
0212 Beef Cattle, Except Feedlots
0213 Hogs
0214 Sheep and Goats
0219 General Livestock, Except Dairy and Poultry
0241 Dairy Farms
0251 Broiler, Fryer, and Roaster Chickens
0252 Chicken Eggs
0253 Turkeys and Turkey Eggs
0254 Poultry Hatcheries
0259 Poultry and Eggs, NEC
0291 General Farms, Primarily Livestock and Animal Specialities
0782 Lawn and Garden Services (North Carolina only)
0783 Ornamental Shrub and Tree Services
1751 Carpentry Work (California only)
1752 Floor Laying and Other Floor Work (California only)
1761 Roofing, Siding, and Sheet Metal Work (California only)
4212 Local Trucking Without Storage
4213 Trucking, Except Local
4214 Local Trucking With Storage
4215 Courier Services, Except Air
4221 Farm Product Warehousing and Storage
4222 Refrigerated Warehousing and Storage
4225 General Warehousing and Storage
4226 Special Warehousing and Storage, NEC
4231 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311 United States Postal Service (Pilot)
4491 Marine Cargo Handling
4492 Towing and Tugboat Services
4493 Marinas
4499 Water Transportation Services, NEC
4512 Air Transportation, Scheduled
4513 Air Courier Services
4581 Airports, Flying Fields, & Airport Terminal Services
4783 Packing and Crating
4952 Sewerage Systems (California only)
4953 Refuse Systems
4959 Sanitary Services, NEC (California only)
5012 Automobiles and Other Motor Vehicles
5013 Motor Vehicle Supplies and New Parts
5014 Tires and Tubes
5015 Motor Vehicle Parts, Used
5031 Lumber, Plywood, Millwork, and Wood Panels
5032 Brick, Stone, and Related Construction Materials
5033 Roofing, Siding and Insulation Materials
5039 Construction Materials, NEC
5051 Metal Service Centers and Offices
5052 Coal and Other Minerals and Ores
5093 Scrap and Waste Materials
5141 Groceries, General Line
5142 Packaged Frozen Food Products
5143 Dairy Products, Except Dried or Canned
5144 Poultry and Poultry Products
5145 Confectionery
5146 Fish and Seafoods

5147 Meats and Meat Products
5148 Fresh Fruits and Vegetables
5149 Groceries and Related Products, NEC
5181 Beer and Ale
5182 Wine and Distilled Alcoholic Beverages
5211 Lumber and Other Building Materials Dealers
5311 Department Stores (Pilot collection)
8051 Skilled Nursing Care Facilities
8052 Intermediate Care Facilities
8059 Nursing and Personal Care Facilities, NEC
8062 General Medical and Surgical Hospitals (Pilot collection)
8063 Psychiatric Hospitals (Pilot collection)
8069 Specialty Hospitals, Except Psychiatric (Pilot collection)

In addition, OSHA will collect data from establishments that were visited by OSHA during Fiscal years 1998, 1999 and 2000 (October 1, 1997 through September 30, 2000) that are required to maintain the OSHA Log. Information will also be collected from Public Sector establishments in certain State Plan States.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB has renewed its approval for the information collection and assigned OMB control number 1218–0209. The approval expires 01/31/2002. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Dated: June 15, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–15645 Filed 6–20–01; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

PENSION BENEFIT GUARANTY CORPORATION

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations

ACTION: Notice.

SUMMARY: The Department of Labor and the Pension Benefit Guaranty Corporation (the Agencies), as part of their continuing efforts to reduce paperwork and respondent burden, conduct a preclearance consultation program to provide the general public and other federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data is provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

By this notice, the Agencies are soliciting comments concerning the proposed extension of approval of the Form 5500, Annual Return/Report of Employee Benefit Plan. The Internal Revenue Service (IRS) published its preclearance notice related to the Form 5500 and schedules on April 13, 2001 (66 FR 19287). A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice. Although the 2001 Form 5500 is not yet available, it is not expected at this time to differ substantively or materially from the 2000 Form 5500. The Agencies are considering certain modifications to the existing Form 5500 to address processing issues arising from implementation of the ERISA Filing Acceptance System (EFAST) and incorporate statutory or regulatory changes that have occurred.

Informational copies of the 2000 Form 5500 and schedules, as well as the 2001 Form 5500 and schedules when they are finalized, are available for downloading and viewing on the EFAST website: *www.efast.dol.gov*. Official hand print forms are also made available as part of the annual mailing of the Form 5500 package. The hand print forms, schedules and instructions will also be available 24 hours a day, 7 days a week by calling: 1–800–TAX–FORM (1–800–829–3676).

DATES: Written comments must be submitted to the office listed in the addresses section below on or before August 20, 2001.

ADDRESSES: Interested parties are invited to submit written comments regarding the collection of information. Send comments to Mr. Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 219–4782. Fax: (202) 219–4745 (these are not toll-free numbers). All comments will be shared between the Agencies.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of this notice is to seek comments from the public prior to submission to OMB for continued approval of the Form 5500 in accordance with the provisions of PRA 95. The existing approval will expire on August 31, 2001. We are providing this detailed background information to summarize the numerous changes that have occurred for the Form 5500 and processing system since the OMB's most recent prior action to approve the ICR, and to provide context for the comments requested at this time.

Under Titles I and IV of the Employee Retirement Income Security Act of 1974, as amended (ERISA), and the Internal Revenue Code of 1986, as amended (the Code), pension and other employee benefit plans are generally required to file annual returns/reports concerning, among other things, the financial condition and operations of the plan. These annual reporting requirements can be satisfied generally by filing the Form 5500 in accordance with its instructions and related regulations. The Form 5500 is the primary source of information concerning the operation, funding, assets and investments of pension and other employee benefit plans. In addition to being an important disclosure document for plan participants and beneficiaries, the Form 5500 is a compliance and research tool for the Agencies and the IRS, and a source of information for use by other federal agencies, Congress, and the private sector in assessing employee benefit, tax, and economic trends and policies.

On September 3, 1997, the Agencies and IRS published a Notice of Proposed Revision of Annual Information Return/Reports (September 3 Notice) in the **Federal Register** (62 FR 46556) as part of the effort to streamline and simplify the Form 5500, Annual Report/Return of Employee Benefit Plan. The Agencies and the IRS proposed the replacement of the Form 5500, Form 5500–C and Form 5500–R with one Form 5500 intended to streamline the report and the methods by which it is filed. Concurrent with the development of the new forms, the Agencies and the IRS initiated the development of a new computerized system to process the Form 5500 (EFAST). EFAST is designed to simplify and expedite the receipt and processing of the new Form 5500 by relying on computer scannable forms and electronic filing technologies. The development of the forms in conjunction with the EFAST system was intended to streamline and improve the

Form 5500 and lower the administrative burdens and costs incurred by the more than 1 million employee benefit plans that file the Form 5500 each year.

A public hearing on the proposed forms revisions was held on November 17, 1997, and written comments on the proposal were received until the public record was closed on December 3, 1997. After considering public comments received in connection with the September 3 Notice and the public hearing, the Agencies and the IRS made various adjustments to the proposed forms and instructions where consistent with the purposes of the Form 5500 and the objectives of the streamlining project. A revised Form 5500 was submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act, and a Notice was published in the **Federal Register** on June 24, 1998 (63 FR 34493) that provided a 30-day opportunity to submit comments to OMB on the new Form 5500 submission.

On August 26, 1998, OMB approved the data elements of the revised Form 5500 through August 31, 2001. OMB's approval was conditioned on the Agencies and IRS making certain minor technical adjustments that were completed in September of 1998,[1] and their solicitation of additional public comments on the computer scannable formats of the Form 5500 being developed in connection with the EFAST project. Accordingly, when draft computer scannable formats were developed, the Agencies and the IRS published a **Federal Register** notice on June 28, 1999 (64 FR 34686) soliciting public comments on the draft versions of the new form developed by two vendors who were competing for the contract to install the EFAST system. The Agencies subsequently selected the vendor to process the final scannable version of the new Form 5500. Although the reformatting of the form approved by OMB on August 26, 1998 to a computer scannable format affected the appearance and length of the new form, the actual number of data elements was not affected. The final hand print versions of the Form 5500 were published as part of the Agencies' and IRS's Notice of Adoption of Revised Forms on February 2, 2000 (65 FR 5026). Except for filers who file electronically, the use of the scannable Form 5500 is mandatory for 1999 and all later plan year filings.

[1] Information concerning these technical changes may be found in the footnote at 65 FR 5027 in the Agencies' Notice of Adoption of Revised Forms published in the **Federal Register** on February 2, 2000.

The 1999 and later Forms 5500 are available in two different formats. Both have the same data elements, but provide filers with a choice of formats for preparing the form. The formats are referred to as "machine print" and "hand print." EFAST is designed to accept only approved machine print and hand print forms. The Agencies expect vendors to offer EFAST-approved computer software that may be used to complete the 2000 and later versions of either the machine print or the hand print Form 5500. Filers completing the Form 5500 by hand or typewriter must use the official government-produced hand print forms because the EFAST system uses optical character recognition technology to scan the data entries on the specially designed forms that enable the computer to read the forms.

The hand print forms can be filed only on paper by mail or approved private delivery services. The machine print forms may be printed out and filed on paper by mail or approved private delivery service, transmitted on-line via modem, or transferred to floppy disks, tapes, or CD–ROMs and filed via mail or approved private delivery service. Electronic filers submitting via modem must use approved EFAST transmitters. Additional information concerning EFAST filing requirements may be found on the EFAST website, or by calling 1–866–463–3278 Monday through Friday from 8 a.m. to 8 p.m. Eastern Time.

In conjunction with the implementation of EFAST, the Department of Labor's Pension and Welfare Benefits Administration (PWBA) assumed the administrative responsibility for accepting the Form 5500 and Form 5500–EZ [2] filings of plan year 1999 and all future plan years. These forms had previously been filed with the IRS.

II. Desired Focus of Comments

The Agencies are particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agencies, including whether the information will have practical utility;
- Evaluate the accuracy of the Agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

[2] This preclearance notice does not pertain to the information collection request related to the Form 5500–EZ.

III. Current Actions

The Agencies intend to request an extension of the currently approved ICR. Although the 2001 Form 5500 Series is not yet available, the Agencies will not be making changes that would be substantive or material for purposes of PRA 95. A limited number of technical modifications and clarifications of the forms and instructions are being considered at this time to address EFAST-related processing issues and recognize certain regulatory adjustments.

Agencies: Department of Labor, Pension and Welfare Benefits Administration; Pension Benefit Guaranty Corporation (PBGC).

Title: Form 5500 Annual Return/Report of Employee Benefit Plan.

Type of Review: Extension of currently approved collections.

OMB Numbers: 1210–0110 (PWBA); 1212–0057 (PBGC).

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions.

Form Number: Form 5500.

Total Respondents: 863,682.

Total Responses: 863,682.

Frequency of Response: Annually.

Estimated Burden Hours: 1,847,163 for PWBA; 3,859 for PBGC.

Estimated Burden Cost (Operating and Maintenance): $546,789,000 for PWBA; $2,554,000 for PBGC.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 18, 2001.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 01–15638 Filed 6–20–01; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–078]

U.S. Centennial of Flight Commission; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and SpaceAdministration announces a meeting of the U.S. Centennial of Flight Commission.

DATES: Tuesday, July 10, 2001, 1:00 p.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 EStreet, SW, Room 6H46 (MIC 6), Washington, DC 20546. Attendees must check in at the Security Desk to be cleared to the 6th floor conference room.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Farmarco, Code ZC,National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1903.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Opening Comments

—AIAA Presentation

—Air Force Presentation

—North Carolina Status

—Presentation by Chip Forbes of C. Forbes, Inc.

—Special Recognition

—Web Site Demo/Web Trend Reports

—Paris Air Show Report by Aviation Week

—Roger Richman Agency Presentation

—Presentation by new Outreach Contract (not yet selected)

—Adjourn

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.Visitors will be requested to sign a visitor's register.

Dated: June 15, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–15612 Filed 6–20–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts; National Council on the Arts 143rd Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on July 19, 2001 from 2:00 p.m.–5:30 p.m. in Room 527 and on July 20, 2001 from 9:00 a.m. to 1:30 p.m. in Room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

The Council will meet in closed session on July 19th, from 2:00 to 5:30 p.m. for discussion of National Medal of Arts nominations. In accordance with the determination of the Chairman of May 22, 2001, this session will be closed to the public pursuant to subsection (c)(4),(6) and (9)(B) of section 552b of Title 5, United States Code. The remainder of meeting, from 9:00 a.m. to 1:30 p.m. on July 20th, will be open to the public on a space available basis. Following opening remarks and announcements, there will be Congressional and budget updates and guest presentations on the theme "The Arts & Community Partnerships." Guest presenters on Local & State Partnerships tentatively will be: Jonathan Katz (National Assembly of State Arts Agencies), Governor John Rowland (CT), Bob Lynch (Americans for the Arts), and Mayor Bart Peterson (Indianapolis). This will be followed by guest presentations by representatives of the Alabama Shakespeare Festival, New Orleans Video Access Center, and Village of Arts & Humanities. Other topics will include: Application Review for Leadership Initiatives and Policy Research & Analysis; review of Guidelines for Challenge America and New Public Works; and general discussion, including the Chairman's closing remarks.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c) (6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY–TDD 202/682–5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

Dated: June 15, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 01–15588 Filed 6–20–01; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–3098–ML; ASLBP No. 01–790–01–ML]

Duke, Cogema, Stone & Webster Savannah River Mixed Oxide Fuel Fabrication Facility; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972); the Commission's Regulations, *see* 10 CFR 2.1201, 2.1207; and the Commission's Order dated June 14, 2001, CLI–01–13, 53 NRC ____ (June 14, 2001), an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Duke, Cogema, Stone & Webster Savannah River Mixed Oxide Fuel Fabrication Facility

This Board is being established to conduct this proceeding pursuant to an enhanced version of the procedures found in 10 CFR Part 2, Subpart L, of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings" (CLI–01–13, 53 NRC at ____ (slip op. at 1–2)). On February 28, 2001, Duke, Cogema, and Stone & Webster submitted a construction authorization request (CAR) to build a mixed oxide (MOX) fuel fabrication facility, which would be located at the United States Department of Energy's Savannah River site in South Carolina. This proceeding concerns requests for hearing submitted by (1) Georgians Against Nuclear Energy (GANE); (2) Environmentalists, Inc. (EI); (3) Blue Ridge Environmental Defense

League (Blue Ridge); and (4) Charles and Edna Foster. The requests were filed in response to a March 7, 2001 notice in the **Federal Register** announcing receipt of the CAR and a related environmental report (66 FR 13794.) and a notice of opportunity for a hearing published by the Commission on April 18, 2001 (66 FR 19994).

The Board is comprised of the following administrative judges:

Administrative Judge Thomas S. Moore, Chairman,Atomic Safety and Licensing Board Panel,U.S. Nuclear Regulatory Commission,Washington, D.C. 20555–0001

Administrative Judge Charles N. Kelber,Atomic Safety and Licensing Board Panel,U.S. Nuclear Regulatory Commission,Washington, DC 20555–0001

Administrative Judge Peter S. Lam,Atomic Safety and Licensing Board Panel,U.S. Nuclear Regulatory Commission,Washington, D.C. 20555–0001

All correspondence, documents, and other materials shall be filed with the Administrative Judges in accordance with 10 CFR 2.1203.[1]

Issued at Rockville, Maryland, this 15th day of June 2001.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 01–15633 Filed 6–20–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on July 11–13, 2001, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Friday, November 17, 2000 (65 FR 69578).

Wednesday, July 11, 2001

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: Proposed Risk-Informed Revisions to 10 CFR 50.46 and Proposed Revisions to the Framework for Risk-Informing the Technical Requirements of 10 CFR Part 50 (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed risk-informed revisions to 10 CFR 50.46, "Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors," and proposed revisions to the framework for risk-informing the technical requirements of 10 CFR Part 50.

10:20 a.m.–12:00 Noon: SECY–01–0100, "Policy Issues Related to Safeguards, Insurance, and Emergency Preparedness Regulations at Decommissioning Nuclear Power Plants Storing Fuel in Spent Fuel Pools" (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding SECY–01–0100 and related matters.

[**Note:** A portion of this session may be closed to discuss safeguards information.]

1:00 p.m.–2:00 p.m.: Need to Revise 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute (NEI) regarding the need to revise 10 CFR Part 54.

2:15 p.m.–3:45 p.m.: Control Rod Drive Mechanism (CRDM) Cracking (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and NEI regarding the staff and industry proposals for dealing with CRDM cracking.

[**Note:** A portion of this session may be closed to discuss proprietary information.]

3:45 p.m.–4:15 p.m.: Break and Preparation of Draft ACRS Reports (Open)—Cognizant ACRS members will prepare draft reports for consideration by the full Committee.

4:15 p.m.–7:00 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting as well as a proposed report on South Texas Project Exemption Request.

Thursday, July 12, 2001

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–9:45 a.m.: Draft Individual Plant Examination of External Events (IPEEE) Insights Report (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the draft IPEEE Insights Report (NUREG–1742).

10:00 a.m.–11:00 a.m.: Proposed Resolution of Generic Safety Issues (GSI)–191, "Assessment of Debris Accumulation on PWR Sump Pump Performance" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the status of resolution of GSI–191.

11:15 a.m.–12:15 p.m.: Potential Margin Reductions Associated with Power Uprates (Open)—The Committee will hold discussions with representatives of the NRC staff regarding ongoing or proposed staff activities related to the development of a Standard Review Plan for use in the review of power uprate applications.

1:15 p.m.–2:00 p.m.: Reactor Oversight Process (Open)—The Committee will discuss a proposed response to the following items in the April 5, 2000 Staff Requirements Memorandum:

- Review the use of performance indicators (PIs) in the Revised Reactor Oversight Process (RROP) to ensure that the PIs provide meaningful insights into aspects of plant operation that are important to safety.
- Review the initial implementation of the significance determination processes (SDPs) and assess the technical adequacy of the SDP to contribute to the RROP.

2:00 p.m.–2:45 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, and organizational and personnel matters relating to the ACRS.

2:45 p.m.–3:00 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be made available to the Committee prior to the meeting.

3:45 p.m.–7:00 p.m.: Discussion of Proposed ACRS Reports (Open)—The

[1] Copies of this Licensing Board establishment notice were sent this date by internet e-mail or facsimile transmission to counsel or representatives for (1) applicants Duke, Cogema, and Stone & Webster; (2) petitioners GANE, EI, Blue Ridge, and Charles and Edna Foster; and (3) the NRC staff.

Committee will discuss proposed ACRS reports.

Friday, July 13, 2001

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)

8:35 a.m.–5:30 p.m.: Proposed ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

5:30 p.m.–6:00 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 11, 2000 (65 FR 60476). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting and questions may be asked only by members of the Committee, its consultants, and staff.Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACRS, five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting Mr. Howard J. Larson prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Howard J. Larson if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) P.L. 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss safeguards information per 5 U.S.C. 552b(c)(3) and proprietary information per 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting Mr. Howard J. Larson (telephone 301–415–6805), between 7:30 a.m. and 4:15 p.m., EDT.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m., EDT, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: June 15, 2001.

Annette Vietti-Cook,

Acting Advisory Committee Management Officer.

[FR Doc. 01–15632 Filed 6–20–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Notice of Meeting; Yucca Mountain, NV, Repository

Board Workshop: July 19–20, 2001—Arlington, Virginia: The Board-sponsored workshop will provide a forum for invited international participants to discuss key issues related to the corrosion of materials being proposed by the Department of Energy for use in waste packages in a potential Yucca Mountain Repository.

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, on Thursday, July 19, and Friday morning, July 20, 2001, the Nuclear Waste Technical Review board (Board) will host a workshop in Arlington, Virginia. The workshop will focus on issues related to long-term (thousands of years) extrapolation of the corrosion resistance of waste package materials being proposed by the U.S. Department of Energy (DOE) for use in a potential Yucca Mountain repository. Approximately 15 corrosion experts from around the world have been invited to participate in the workshop. The Board has long emphasized the importance of issues related to predicting long-term waste package performance. Progress in understanding fundamental corrosion processes has been identified by the Board as one of four priority areas that would be important for a potential Yucca Mountain site recommendation.

The DOE is characterizing a site at Yucca Mountain, Nevada, as the possible location of a permanent repository for spent nuclear fuel and high-level radioactive waste. The Board is charged by Congress with reviewing the technical and scientific validity of DOE activities related to managing spent nuclear fuel and high-level radioactive waste.

The workshop will be held at the Hilton Arlington & Towers; 950 North Stafford Street; Arlington, Virginia 22203. The telephone number is (703) 528–6000; the fax number is (703) 812–5127. The workshop, which is open to the public, will start at 8:30 a.m. on both days and end at approximately 5:30 p.m. on Thursday and 12:00 noon of Friday.

Workshop participants will be given two questions to consider. The questions will seek opinions on possible modes of waste package corrosion that may not be relevant in the usual time frame of engineering experience, but that could develop or accelerate after long periods in a repository. (The questions will be posted on the Board's Web site by July 1.)

The session on Thursday, July 19, will begin with a brief overview of the materials that the DOE proposes for the waste packages and of the thermal and chemical environments that the packages would likely experience over millennia in a possible Yucca Mountain repository. Following the overview, the workshop participants will give short presentations on their initial responses to the two questions. The balance of the workshop will consist of informal roundtable discussions focusing on the two questions. The workshop will be a "brainstorming" session designed to furnish the Board with a diversity of highly qualified opinions on the issue of extrapolating corrosion resistance over very long periods, a key factor in repository performance. A by-product of the workshop may be information that will complement a peer review that the DOE recently initiated to examine a much broader range of corrosion issues.

Opportunities for public comment will be provided before the end of Thursday's session and before adjournment of Friday. Those wanting to speak during the public comment periods are encouraged to sign the "Public Comment Register" at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record.

A detailed agenda will be available approximately one week before the meeting. Copies of the agenda can be requested by telephone or obtained from the Board's Web site at www.nwtrb.gov. Beginning on September 1, 2001, transcripts of the workshop will be available on the Board's Web site, via e-mail, on computer disk, and on a library-loan basis in paper format from Davonya Barnes of the Board staff.

A block of rooms has been reserved at the Arlington Hilton & Towers. When making a reservation, please state that you are attending the NWTRB workshop. To obtain the special workshop rate, reservations must be made by June 27, 2001. For more information, contact the NWTRB; Karyn Severson, External Affairs; 2300 Clarendon Boulevard, Suite 1300; Arlington, VA 22201–3367; (tel) 703–235–4473; (fax) 703–235–4495; (e-mail) info@nwtrb.gov.

The Nuclear Waste Technical Review board was created by Congress in the Nuclear Waste Policy Amendments Act of 1987. The Board's purpose is to evaluate the technical and scientific validity of activities undertaken by the Secretary of Energy related to managing the disposal of the nations's spent nuclear fuel and high-level radioactive waste. In the same legislation, Congress directed the DOE to characterize a site at Yucca Mountain, Nevada, to determine its suitability as the location of a potential repository for the permanent disposal of spent nuclear fuel and high-level radioactive waste.

Dated: June 15, 2001.

William D. Barnard,

Executive Director Nuclear Waste Technical Review Board.

[FR Doc. 01–15586 Filed 6–20–01; 8:45 am]

BILLING CODE 6820–AM–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Regulation 12B, OMB Control No. 3235–0062, SEC File No. 270–70

Form 15, OMB Control No. 3235–0167, SEC File No. 270–170

Form F–4, OMB Control No. 3235–0325, SEC File No. 270–288

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Regulation 12B includes rules governing Securities Exchange Act of 1934 ("Exchange Act") registration statements and reports. The purpose of the regulation is to set forth guidelines for the uniform preparation of Exchange Act documents. Regulation 12B is assigned one burden hour for administrative convenience because the regulation simply prescribes the disclosure that must appear in other filings under the federal securities laws.

Form 15 is a certification of termination of a class of security under Section 12(g) or notice of suspension of duty to file reports pursuant to Sections 13 and 15(d) of the Securities Exchange Act of 1934. The information collected is to inform the public when a registrant does not file periodic reports. Approximately 2,000 issuers file Form 15 annually and it takes approximately a total of 1.5 hours per response for a total of 3,000 annual burden hours.

Form F–4 is used by foreign issuers to register securities in business combinations, reorganizations and exchange offers pursuant to the federal securities laws. If the information disclosed on Form F–4 were not required, the objectives of the Securities Act would not be met. Form F–4 is filed by foreign issuers. Approximately 450 issuers file Form F–4 annually and it takes approximately 1,311 hours per response for a total of 589,950 annual burden hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W. Washington, DC 20549.

Dated: June 12, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15626 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission of OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 19d–1, SEC File No. 270–242, OMB Control No. 3235–0206,

Rule 19d–3, SEC File No. 270–245, OMB Control No. 3235–0204,

Rule 19h–1, SEC File No. 270–247, OMB Control No. 3235–0259

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") requests for extension of the previously approved collections of information discussed below.

Rule 19d–1 under the Securities Exchange Act of 1934 ("Exchange Act") prescribes the form and content of notices to be filed with the Commission by self-regulatory organizations ("SROs") for which the Commission is the appropriate regulatory agency concerning the following final SRO actions: (1) disciplinary sanctions (including summary suspensions); (2) denials of membership, participation or association with a member; and (3) prohibitions or limitations on access to SRO services.

The Rule enables the Commission to obtain reports from the SROs containing information regarding SRO determinations to discipline members or associated persons of members, deny membership or participation or association with a member, and similar adjudicated findings. The Rule requires that such actions be promptly reported to the Commission. The Rule also requires that the reports and notices supply sufficient information regarding the background, factual basis and issues involved in the proceeding to enable the Commission (1) to determine whether the matter should be called up for review on the Commission's own motion and (2) to ascertain generally whether the SRO has adequately carried

out its responsibilities under the Exchange Act.

It is estimated that 10 respondents will utilize this application procedure annually, with a total burden of 1,750 hours, upon past submissions. This figure is based on 10 respondents, spending approximately 275 hours each. Each respondent submitted approximately 110 responses. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–1 for each submission is 2.5 hours. The average cost per hour, per each submission is approximately $101. Therefore, the total cost of compliance for all the respondents is $277,750. (10 respondents × 110 responses per respondent × 2.5 hrs per response × $101 per hour).

The filing of notices pursuant to the Rule is mandatory for the SROs, but does not involve the collection of confidential information. Rule 19d–1 does not have a retention of records requirement.

Rule 19d–3 under the Exchange Act prescribes the form and content of applications to the Commission for review of final disciplinary sanctions, denials of membership, participation or association or prohibitions or limitations of access to services that are imposed by SROs. The Commission uses the information provided in the application filed pursuant to Rule 19d–3 to review final actions taken by SROs including: (1) Disciplinary sanctions; (2) denials of membership, participation or association; and (3) prohibitions on or limitations of access to SRO services.

It is estimated that approximately 50 respondents will utilize this application procedure annually, with a total burden for all respondents of 900 hours, based upon past submissions. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–3 to complete each submission is 18 hours. The average cost per hour is approximately $101, for completion of each submission. Therefore, the total cost of compliance for all respondents, per year is $90,900. (50 submissions × 18 hours × $101 per hour).

A respondent is not required to retain the Rule 19d–3 submission for any specified period of time. The filing of a motion seeking review of a final action is mandatory only if the respondent wants Commission review. The submission does not involve the collection of confidential information.

Rule 19h–1 under the Exchange Act prescribes the form and content of notices and applications by SROs regarding proposed admissions to, or continuances in, membership, participation or association with a member of any person subject to a statutory disqualification.

The Commission uses the information provided in the submissions filed pursuant to Rule 19h–1 to review decisions of SROs to permit the entry into or continuance in the securities business of persons who have committed serious misconduct. The filings submitted pursuant to the Rule also permit inclusion of an application to the Commission for consent to associate with a member of an SRO notwithstanding a Commission order barring such association.

The Commission reviews filings made pursuant to the Rule to ascertain whether it is in the pubic interest to permit the employment in the securities business of persons subject to statutory disqualification. The filings contain information that is essential to the staff's review and ultimate determination on whether an association or employment is in the public interest and consistent with investor protection.

It is estimated that approximately 5 respondents will make submissions pursuant to this Rule annually with a total burden of 225 hours for all respondents to complete all submissions. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19h–1 is 4.5 hours per submission. The average cost per hour is approximately $101 for completion of each submission. Therefore, the total cost of compliance for all respondents is $22,725. (50 responses × 4.5 hours per response × $101 per hour).

A respondent is not required to retain the Rule 19h–1 submission for any specified period of time. The filing of notices is mandatory but does not involve the collection of confidential information.

Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, D.C. 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 15, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15625 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44431; File No. SR–NSCC–2001–04]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving a Proposed Rule Change To Modify and Consolidate Clearing Fund Rules

June 15, 2001.

On April 24, 2001, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") and on April 30, 2001, amended a proposed rule change (File No. SR–NSCC–2001–04) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on May 15, 2001.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

Under the proposal, NSCC will consolidate its clearing fund rules and standards of financial responsibility and operational capacity, currently found in various rules and procedures, into Procedure XV[3] of its Rules and Procedures.

Under Addendum O,[4] NSCC collects additional clearing fund deposits from settling members on surveillance. The additional clearing fund deposits are based on a risk-based margining ("RBM") methodology that includes, but is not limited to, calculations based on portfolio volatility and, where applicable, market maker domination. The rule change extends these RBM requirements to all NSCC members in

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 44276 (May 8, 2001), 66 FR 26895.

[3] NSCC's main clearing fund formulas are found in its Procedure XV.

[4] Securities Exchange Act Release Nos. 37202 (May 10, 1996), 61 FR 24993 [File No. SR–NSCC–95–17]; 38622 (May 19, 1997), 62 FR 27285 [File No. SR–NSCC–97–04]; 40034 (May 27, 1998), 63 FR 30277 [File No. SR–NSCC–98–03]; 41478 (June 4, 1999), 64 FR 31664 [File No. SR–NSCC–99–06]; 42864 (May 30, 2000), 65 FR 36204 [File No. SR–NSCC–99–09] (Commission approval date corrected in **Federal Register**, 65 FR 42065); and 44277 (May 8, 2001) [File No. NSCC–2001–05].

lieu of NSCC's current allocation and liquidation clearing fund requirements.

Since the Commission's approval of Addendum O in 1996, NSCC has studied the impact of RBM on member firms. NSCC found that utilization of RBM more accurately reflects NSCC's exposure than the allocation and liquidation formulae being replaced because it enables NSCC to more precisely identify the risks posed by a member's unsettled portfolio and, as a result, more quickly adjust and collect additional clearing fund deposits. NSCC management therefore recommended and the Membership and Risk Management Committee concurred that RBM methodologies should be applied to all NSCC members, not just those on surveillance.

The rule change modifies NSCC's clearing fund requirements (Procedure XV) as follows:

- With respect to clearing fund requirements for CNS transactions, Procedure XV's allocation [current Section A.I.(a)(i)(a)] and liquidation [current Section A.I.(a)(i)(c)] formulae will be replaced with RBM methodology, specifically volatility [new Section I.(A)(1)(a)] and market maker domination [new Section I.(A)(1)(c)] calculations, currently found in Addendum O. The volatility formula will continue to permit NSCC to utilize any generally accepted portfolio volatility model to calculate volatility.
- In addition, the clearing fund requirements will continue to provide that NSCC may exclude from volatility calculations net unsettled positions in classes of securities whose volatility is (1) less amendable to statistical analysis, such as OTC Bulletin Board or Pink Sheet issues or issues trading below a designated dollar threshold (*e.g.*, five dollars) or (2) amendable to generally accepted statistical analysis only in a complex manner, such as municipal or corporate bonds. The amount of clearing fund required with respect to these net unsettled positions will be determined by multiplying the absolute value of the net unsettled positions by a percentage designated by NSCC. This percentage will not be less than 10% with respect to the positions covered by item (1) above and will not be less than 2% with respect to the positions covered by item (2) above.
- The clearing fund requirements for all when-issued and when-distributed transactions will be consolidated with the calculations for regular way transactions.
- The third prong of the CNS formula, the calculation of the difference between the contract price and the current market price of compared pending positions, will remain the same [current Sections I.(A)(1)(b) and I.(A)(2)(b)]; however, these calculations will now be undertaken on a daily basis instead of on a twenty day rolling basis.
- Members will be required to make within one hour of demand all clearing fund and other required deposits. To the extent a member is meeting its obligation with (1) a deposit of cash, the cash deposit must be made by Federal Funds wire transfer and must be received no later than fifteen minutes prior to the close of the Federal Funds wire or (2) a delivery of eligible securities, the delivery of eligible securities must be received within the deadlines established by a qualified securities depository.[5] The rule change further provides that, at the discretion of NSCC, these cash deposits may be included as part of the member's daily settlement obligation.
- Addendum B, among other things, currently specifies thresholds pursuant to which NSCC will require additional clearing fund deposits. Procedure XV [new Section II.(C)] will now provide that additional clearing fund deposits shall not be requested where the amount of the deficiency for a: (1) Member on Class A or B Surveillance is equal to or less than $5,000 and such amount is less than 5% of such member's actual deposit; (2) member on Advisory Surveillance is equal to or less than $20,000 and such amount is less than 5% of such member's actual deposit; or (3) member not on any surveillance is equal to or less than $50,000 and such amount is less than 10% of the member's actual deposit.
- Other changes to Procedure XV result from relabeling and/or moving the placement of NSCC's clearing fund requirements without altering their substantive nature.

As described below, NSCC intends to begin implementing the revised clearing fund methodologies on June 15, 2001, and to have all members subject to them by December 31, 2002. Members currently subject to Addendum O will be subject to these clearing fund changes on June 15, 2001. Applicants approved for NSCC membership from and after April 24, 2001, the date of the proposed rule change filing, will also be subject to these rule changes on June 15, 2001. Members who have a position which will subject them to a deposit requirement based on the market maker domination calculations will also be subject to these rule changes on June 15, 2001. NSCC will place every remaining member into deciles and will apply the revised clearing fund methodologies pursuant to a step-by-step, decile-by-decile plan based upon the volatility classification of each such member's unsettled portfolio. Accordingly, members with the most volatile portfolios will be subject to these rule changes first, on or shortly after June 15, 2001, provided, however, that to the extent any such member has significant CNS obligations resulting from options exercises and assignments or is a municipal securities brokers' broker, it will be subject to these rule changes in conjunction with or after all other members but in no event later than December 31, 2002.

[5] Under NSCC rules, currently the only qualified securities depository is DTC.

II. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[6] The Commission believes that the approval of NSCC's rule change is consistent with this section because utilization of RBM should enable NSCC to more precisely identify the risks posed by a member's unsettled portfolio and, as a result, more quickly adjust and collect additional clearing fund requirements than the current allocation and liquidation formulae. As a result NSCC is better protected from the possibility of a member's default because the clearing fund deposits it collects more accurately reflect NSCC's exposure.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–2001–04) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15623 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44427; File No. SR–NYSE–99–25]

Self-Regulatory Organizations; Notice of Filing of Amendment No. 2 to Proposed Rule Change by the New York Stock Exchange, Inc. To Amend Rule 134, Governing Error Accounts, and Rule 411, Governing Erroneous Reports; and To Adopt New Rule 407A

July 14, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 8, 2001, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") Amendment No. 2 to the proposed rule change submitted as File No. SR–NYSE–99–25.[3] Amendment No. 2 is described in Items I, II and III below, which Items have been prepared by the NYSE. The Commission is publishing this notice to solicit comments on Amendment No. 2 from interested persons.

I. Self—Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amendment No. 2 proposes an amendment to NYSE Rule 411; an additional amendment to NYSE Rule 134 with regard to error accounts; and an amendment to proposed NYSE Rule 407A regarding notification by members of accounts in which they have an interest.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for Amendment No. 2 to the proposed rule change and discussed any comments it received on the amendment. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The proposed rule change, as amended by Amendment No. 1, was published for comment in the **Federal Register** on February 10, 2000. *See* Securities Exchange Act Release No. 42381 (February 3, 2000), 65 FR 6673.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In the initial filing of proposed rule change SR–NYSE–99–25, the Exchange proposed initiatives to strengthen the regulation of activities of members on the Floor. The initiatives consisted of amendments to NYSE Rule 134, regarding error accounts, and a new rule, NYSE Rule 407A, regarding Floor member account disclosure. Amendment No. 1 to the filing provided more detail as to the application of Rule 134 and proposed amendments to Rule 134 by adding specific language with respect to the Rule's requirements. Amendment No. 2 now proposes an amendment to another Exchange rule, NYSE Rule 411, and additional amendments to NYSE Rules 134 and 407A.

Amendment of Rule 411

NYSE Rule 411(a), "Erroneous Reports," provides that the price and size of the actual auction market trade are binding, notwithstanding the fact that the customer has received an erroneous report with respect to the terms of the trade. In today's markets, however, some customers may not want to take corrected reports, due to processing costs or other difficulties with respect to other trading strategies effectuated by the customer in reliance on the erroneous report. This has the potential for creating problems in clearing and settling trades, because Rule 411(a) does not currently provide a means whereby a Floor broker can treat an erroneous report as though it were an erroneous trade.

The Exchange is proposing to amend Rule 411(a) to provide two alternative approaches in cases where an order has been executed, but the wrong price and/or size has been reported to the customer:

Alternative One: The first alternative is simply the current rule. The actual execution price and size are binding, and the trade clears and settles in accordance with the terms of the auction market trade. The member and the customer resolve any monetary issues between themselves. This alternative must be represented to the customer and rejected by a person authorized to accept or reject the erroneous report for the customer before a member can rely on new Alternative Two.

Alternative Two. Under this alternative, which is proposed to be added to Rule 411(a), a non-member may treat the terms of the execution report as though they were the terms of the actual auction market trade, provided that:

(i) The price and size of the erroneous report are within the range of prices and sizes reported on the Consolidated Tape; (ii) the member reports the nature of the error to the non-member, and whether it results in a favorable adjustment to the non-member; (iii) the member documents, on a trade-by-trade basis, the name of the individual authorized to accept or reject the erroneous report for the non-member, where such documentation includes the amount of the error, and whether it was in the non-member's or member's favor; (iv) the member treats the erroneous report as though ti were an erroneous trade, and, in the member's error account, the member takes the opposite side of the report and the opposite side of the actual auction market trade; (v) the member absorbs any loss as a result of taking the trade into the member's error account and any profit is paid to the New York Stock Exchange Foundation; and (vi) a specialist may accommodate the member by taking the error into the specialist's error account. In the latter case, the member would be required to absorb any loss, while any profit would go to the New York Stock Exchange Foundation; the member would be required to document the specialist's accommodation and non-member understandings as per (ii) above; and the specialist would be required to document taking in the error to accommodate the member.

The NYSE is also proposing to amend NYSE Rule 411 to make clear that a member may not rely on Alternative Two in situations where a member has issued a report but has not actually executed the order.

The Exchange believes this approach provides a reasonable means for handling erroneous reports as between members and non-members, and provides sufficient safeguards to prevent abusive practices.

Other Amendments

The Exchange also proposes to amend NYSE Rule 134 to provide that no non-error trading may take place in a member's error account, and to amend NYSE Rule 407A, "Disclosure of All Members Accounts," to provide that a member must inform the Exchange when any securities account in which the member has an interest is closed. The amendment to Rule 134 will assist in surveilling members' error account activities by limiting transactions to those that are related to errors. The amendment to Rule 407A will help the

Exchange know whether members have active securities accounts.

2. Statutory Basis

The Exchange believes the proposed rule change, as amended, is consistent with Section 6(b)(5)[4] of the Act, which requires that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change, as amended, will help accomplish these ends by strengthening the Exchange's ability to surveil the Floor activities of members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 2 to the proposed rule change is consistent with the Act. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the NYSE. All submissions should refer to File No. SR–NYSE–99–25 and should be submitted by July 6, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15622 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b)(5).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44434; File No. SR–OCC–2001–05]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Clearing Security Futures

June 15, 2001.

On March 21, 2001, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") and on April 16, 2001, amended a proposed rule change (File No. SR–OCC–2001–05) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on April 30, 2001.[2] Three comment letters were received.[3] For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

The Commodity Futures Modernization Act ("CFMA"), which became law on December 21, 2000, eliminated the preexisting ban on trading in futures contracts on individual securities and narrow-based stock indices. Such "security futures" will be permitted to be traded on a principal to principal basis between "eligible contract participants" on August 21, 2001, and by other classes of customers on December 21, 2001. The purpose of OCC's proposed rule change is to make an initial identification of the kinds of markets for whom OCC will clear transactions in security futures.

OCC proposed to amend its By-Laws to provide that OCC may clear transactions in security futures effected on any national securities exchange or association registered under Section 6(a) or 15A(a) of the Act, as amended, or any "designated contract market" (as that term is used in the Commodity Exchange Act ("CEA")) that is registered as a national securities exchange under Section 6(g) of the Act.

OCC anticipates that some or all of OCC's five participant exchanges will trade security futures, either on the participant exchange itself or on an affiliated futures exchange. OCC expects that it will therefore enter into the business of clearing security futures. However, the types of entities that can provide a marketplace for security futures include markets in addition to the options exchanges that are OCC's participant exchanges. These include other national securities exchanges and national securities associations as well as any "board of trade" that has been designated as a "contract market" under the CEA. An SEC-regulated market that wishes to trade security futures is required to obtain a limited-purpose registration as a designated contract market in security futures products under the CEA through a notice filing with the Commodity Futures Trading Commission ("CFTC"). A CFTC-regulated market trading security futures is required to obtain a limited-purpose registration with the Commission as a national securities exchange under a similar procedure. Each market will be regulated primarily by the agency (*i.e.*, the Commission or the CFTC) with which it is fully registered.

OCC believes that it is well-positioned to clear security futures for any of these types of markets. OCC's role as the common clearinghouse for equity options offers opportunities for margin offsets and other efficiencies that would not be as readily available if positions in security futures were carried with other clearinghouses. OCC's settlement interface with the National Securities Clearing Corporation gives OCC the

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 44212, (April 23, 2001), 66 FR 21425.

[3] Letters to Jonathan Katz, Secretary, SEC, from Chris Concannon, Vice President, The Island ECN, Inc. (May 21, 2001) ("Island letter"); William H. Navin, Executive Vice President and General Counsel, OCC (June 1, 2001) ("OCC letter"); and Fulbright & Jaworski, L.L.P., on behalf of The Philadelphia Stock Exchange, (June 7, 2001) ("PHLX letter").

ready ability to effect delivery of underlying stocks with respect to physically settled security futures. Because of OCC's experience and expertise in adjusting equity option contracts to compensate for various corporate actions, OCC is prepared to perform the same necessary function for security futures. Finally, OCC, as a securities clearing agency, is legally able to clear security futures transactions originating on any type of market whereas a futures clearinghouse cannot clear security futures transactions originating on national securities exchanges that are registered with the Commission pursuant to Section 6(a) of the Act without registering as a securities clearing agency.[4]

Clearing members have conveyed to OCC their desire to consolidate clearance, settlement, and collateralization of similar or hedgeable products. This need grows in urgency with the scale of the collateral necessary to support the growing security derivatives markets.

OCC believes that by clearing security futures, it will minimize the scale and cost of collateral, maximize the efficiency of clearance and settlement, reduce systemic risk, provide the best possible service to clearing members at the lowest possible price, and ultimately will reduce costs to investors. Therefore, as an initial step in providing clearing services for security derivatives markets, OCC wishes to begin clearing stock futures transactions for any national securities exchange or association registered under Section 6(a) or 15A(a) of the Act or any "designated contract market" (as that term is used in the CEA) that is registered as a national securities exchange under Section 6(g) of the Act.

Because these products and the systems and other infrastructure needed to clear them are still being designed and developed, OCC has not yet filed a complete set of rules for clearing security futures. These rules, including a proposed form of clearing agreement for security futures, will be filed subsequently under Rule 19b–4. However, OCC filed the present rule filing to identify for which markets OCC will initially clear so those markets and OCC can begin preparing for the start of security futures trading, which can begin on August 21, 2001.

Accordingly, the proposed amendment to Article I of OCC's By-Laws defines a separate category of market—a "security futures market"—for whom OCC would clear transactions in security futures. The definition of "security futures market" includes certain marketplaces for security futures under the provisions of the CFMA other than participant exchanges.[5] A security futures market would not be defined as an "exchange" under OCC's By-Laws, and OCC would be simply a provider of clearing services to such markets.[6] For convenience, however, the terms "exchange transaction," "exchange rules," and "exchange member" would be redefined to include transactions on, and the rules and members of, as the case may be, a security futures market.[7]

OCC anticipates that it will clear security futures transactions on the same terms and subject to the same clearing fees for any market for which it clears. However, OCC proposes to distinguish in limited ways between participant exchanges and security futures markets that are affiliated with a participant exchange, on the one hand, and non-affiliated security futures markets on the other hand.

For example, OCC proposes that markets other than participant exchanges and their affiliates be required to make some form of "investment" in OCC analogous to the redeemable equity investments required of participant exchanges. However, OCC does not propose that such markets be offered common stock. Instead, OCC proposes that non-affiliated security futures markets be required to make a "good faith" deposit with OCC of $250,000 to support the clearing of transactions for security futures.[8] That deposit will be refunded to the security futures market in whole or in part if it ceases clearing security futures through OCC. OCC is considering formula that would fix the amount of the refund at the lesser of either the full amount of the original deposit or 50% of the amount of clearing fees received by OCC from clearing members as a result of transactions on that market (*i.e.*, a kind of "earn out" provision).[9]

OCC would not be obligated to undertake security futures clearing for any non-affiliated security futures market if it determined that to do so would tax OCC's resources in a way that would jeopardize OCC's ability to fully perform its other contractual and statutory responsibilities. Any OCC determination to refuse to undertake security futures clearing for a non-affiliated security futures market will be done on a fair and non-discriminatory basis.

The proposed By-Law provision would also require an exchange or security futures market that wishes OCC to clear its transactions in security futures to enter into a clearing agreement with OCC that would define the business relationship between OCC and such market with respect to security futures. Additionally, as described below, OCC proposes covering security futures udner separate clearing agreements between it and the markets desiring to clear security futures transactions through OCC rather than to incorporate such agreements concerning security futures in the Restated Participant Exchange Agreement ("RPEA"). OCC anticipates that there will be separate but uniform (except for provisions relating to the good faith deposit required of non-affiliated security futures markets) clearing agreements with each exchange and security futures market that clears security futures through OCC. These agreements would cover some of the same matters covered in the RPEA but would omit inapplicable provisions relating to the registration statement on which OCC registers options, registration under state securities laws, and the options disclosure document. The clearing agreement would also contain appropriate indemnification of OCC and its officers and directors. The clearing agreement would terminate if the exchange or security futures market is no longer eligible to list security futures, no longer lists security futures despite being eligible to do so, or is in material breach of the clearing agreement.

II. Discussion

Section 19(b)(2)(B) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with

[4] 15 U.S.C. 78q–1(b)(1).

[5] At the present, OCC does not define the term "security futures market" to include an "alternative trading system" or a "derivatives transaction execution facility" even though such markets may also trade security futures under provisions of the CFMA.

[6] A security futures market would not be defined as an exchange under OCC's By-Laws because such market would not be required to purchase OCC stock, would not have representation on the OCC board, and would not be required to execute a participant agreement under Article VII of OCC's By-Laws.

[7] The term "security futures market" is included in the above-named terms in OCC's rules so that OCC will be able to clear security futures for such a market.

[8] This is similar to the requirement that participant exchanges make an investment in OCC of common stock but is considerably less than the $1 million fee associated with making such an investment.

[9] Such completed formula will be subject to a future rule filing by OCC either as a statement of fees or as part of the clearing agreement for security futures.

the requirements of the Act and the rules and regulations thereunder applicable to such organization. For the reasons set forth below, the Commission believes that OCC's proposed rule change is consistent with OCC's obligations under the Act. Specifically, the proposal rule change is consistent with Section 17A(b)(3)(A) of the Act which requies that a clearing agency be organized and have the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and with Section 17A(b)(3)(F) which requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[10] For the reasons set forth below, the Commission also finds that the proposed rule change is consistent with Section 17A(b)(3)(I) of the Act which requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[11]

A. Prompt and Accurate Clearance and Settlement of Securities Transactions

Among other things, the CFMA amended the Act to include "security future" within the definition of "security."[12] Under Section 17A of the Act, registered clearing agencies are authorized to clear securities. OCC's proposed rule change amends its By-Laws to allow it to clear and settle security futures effected on any national securities exchange or association registered under Section 6(a) or 15A(a) of the Act or on any "designated contract market" that is registered as a national securities exchange under Section 6(g) of the Act. OCC's proposed rule change is consistent with Sections 17A(b)(3)(A) and (F) of the Act in that it should facilitate the prompt and accurate clearance and settlement of transactions in security futures by providing an efficient and reliable clearing facility for these instruments.

B. Clearing Agency Rules and the Burden on Competition

In response to OCC's proposed rule change, the Commission received one negative comment letter, from The Island ECN, Inc. ("Island"). Island's main objection to the proposed rule change is that it does not include clearance and settlement provisions for Alternative Trading Systems ("ATSs"), of which Island is one. The Island letter urged the Commission to withhold its approval of the proposed rule change unless OCC opens its clearing services to all market participants that are allowed to trade security futures concurrent with national securities exchanges or associations. The Island letter asserts that because the CFMA allows an ATS to trade security futures, OCC must provide clearing services to ATSs with the current proposed rule change; otherwise, the Commission will be allowing OCC and its participant exchanges to eliminate or restrict any ATS competition that they may face.

The Commission has carefully considered all relevant factors and disagrees with Island's views on the alleged anticompetitive effects of the proposed rule change. Section 17A(b)(3)(I) of the Act requires that a clearing agency's rules "do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of" the Act.[13] The Commission believes that OCC's proposal rule change is an appropriate first step in implementing the rules that will be needed to clear security futures for the security futures markets as they may develop. Indeed, OCC explicitly recognized in its proposed rule change that it will need to adopt additional rules governing security futures, such as the form of a clearing agreement, as the trading in these products and markets develop.

The Commission believes that, due to the fact that this rule change does not foreclose OCC from clearing security futures for ATSs, approval of the proposed rule change will not burden competition or limit the ability of ATSs to trade and clear security futures. OCC's proposed rule change is only an initial step in its plans to undertake the clearance and settlement services for markets that trade security futures. In addition to the proposed rule change's explicit recognition that OCC plans to file additional proposed rule changes relating to the clearance and settlement of security futures, OCC staff has represented orally to Commission staff that at OCC's July 24, 2001, board meeting, OCC staff will recommend that OCC's board authorize the filing of a proposed rule change authorizing OCC to clear security futures for ATSs.[14]

Island also asserts that if it were denied the ability to clear through OCC, Island would be precluded from trading security futures, which are required by Section 6(h)(1) of the Act to be listed on a national securities exchange or association, because OCC would be the only clearer for those security futures. Under Section 6(h)(1) of the Act, an ATS can trade a security future only if that security future is listed on a national securities exchange or association. The OCC letter points out that the security future traded by the ATS must have contract terms identical to the exchange or association-listed security future but that such identical contract terms do not mean that those security futures must be cleared by the same clearing organization.

The Commission believes that OCC's interpretation in its letter is the correct one as to the clearing implications presented by Sections 6(h)(1) and (5) of the Act. The Commission believes that the purpose of Section 6(h)(1) is to ensure that a regulated national securities exchange or national securities association establish terms for security futures and standards for the selection of underlying securities, consistent with the Act's listing standard requirements. Therefore, as long as the security futures satisfy these requirements and the coordinated surveillance and trading halt protections in Section 6(h)(5), they need not be cleared by OCC or any other specific clearing organization.

In addition, the Commission disagrees with Island's assertion that OCC's proposed rule change fosters the same kind of anticompetitive behavior that is prohibited by the settlement accord that the options exchanges entered into with the Department of Justice and the Commission. OCC's proposed rule change does not foreclose the possibility of clearing for other entities, such as ATSs. Indeed, the proposed rule change expands the types of entities for which OCC will provide clearing services to include contract markets that are notice-registered as securities exchanges with the Commission. OCC further represents in its proposed rule change that it expects it will clear security futures transactions on security futures markets on the same terms and subject to the same clearing fees that it will apply to security futures transactions originating

[10] 15 U.S.C. 78q–1(b)(3)(A), (F).

[11] 15 U.S.C. 78q–I(b)(3)(I).

[12] 15 U.S.C. 78c(a)(10).

[13] *See also* Securities Exchange Act of 1934, Section 3(f) (in reviewing rule of self-regulatory organization, Commission shall consider protection of investors, efficiency, competition, and capital formation) (emphasis added); *See also Bradford Nat'l Clearing Corp.* v. *SEC*, 191 U.S. App. D.C. 383; 590 F.2d 1085 (1978) (competition is one factor among others that the Commission must consider in connection with the approval of a clearing agency's rules).

[14] Meeting between George Hender, Management Vice Chairman, William H. Navin, Executive Vice President and General Counsel, and Susan Milligan, First Vice President and Special Counsel, OCC, and staff of the Division of Market Regulation on May 24, 2001.

on the exchanges. Such equality of treatment is consistent with fostering competition.

C. Additional Provisions

The Commission also believes that the provisions of OCC's proposed rule requiring (1) the deposit of $250,000 by non-affiliated security futures markets with OCC in return for the provision of security future clearing services, (2) the clearing agreement that OCC would enter into with an exchange or securities futures market before OCC undertakes to clear for either of those entities, and (3) the ability of OCC to refuse to undertake securities clearing for any non-affiliated security futures market if doing so would jeopardize OCC's ability to fully perform its other responsibilities, are consistent with Section 17A(b)(3)(F) of the Act.

The Commission believes that the $250,000 deposit to OCC in return for the provision of clearing services to non-affiliated security futures markets and the clearing arrangement are appropriate and consistent with Section 17A(b)(3)(F) of the Act because they will assist OCC and the security futures markets to set up the necessary arrangements whereby OCC can provide for the prompt and accurate clearance and settlement of securities transactions that take place on those markets.

The Commission believes that allowing OCC to refuse clearing services to any non-affiliated security futures market if doing so would jeopardize OCC's ability to fully perform its other responsibilities is consistent with OCC's obligation under Section 17A(b)(3)(F) of the Act to assure the safeguarding of securities and funds which are in OCC's custody or for which it is responsible because it allows OCC to avoid exposure to unnecessary financial and operational risks in a nondiscriminatory fashion.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–2001–05) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15624 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Applicant No. 99000418]

Bluestem Capital Partners III Limited Partnership; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Bluestem Capital Partners III Limited Partnership ("Bluestem III"), 122 S Phillips Ave., Suite 300, Sioux Falls, South Dakota, 57104, an applicant for a Federal License under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2000)). Bluestem III proposes to provide equity financing to Hat World Corporation, 8142 Woodland Drive, Indianapolis, IN 46078. The financing is contemplated for the purpose of providing capital to Hat World Corporation to fund the acquisition of various assets from the Lids' bankruptcy trustee.

The financing is brought within the purview of § 107.730(a)(1) of the SBA Regulations because Bluestem Capital Partners I, LLC and Bluestem Capital Partners II Limited Partnership, both Associates of Bluestem III, each currently own greater than 10 percent of Hat World Corporation, and therefore, Hat World Corporation is considered an Associate of Bluestem III as defined in § 107.50 of the SBA Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: June 12, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–15643 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–M

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0339]

Chestnut Venture Partners, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Chestnut Venture Partners, L.P., 75 State Street, Suite 2500, Boston, Massachusetts 02109, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and § 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2001)). Chestnut Venture Partners, L.P., proposes to make an equity investment in Florida Digital Network, Inc. The financing is contemplated to implement a new business plan which involves a substantial change in size, scope and nature of Florida Digital Network, Inc.'s operations and service offerings.

This financing is brought within the purview of § 107.730(a)(1) of the Regulations because Media/Communications Partners III, L.P. and M/C Investors, LLC, Associates of Chestnut Venture Partners, L.P., presently own greater than 10 percent of Florida Digital Network, Inc., and therefore, Florida Digital Network, Inc., is considered an Associate of Chestnut Venture Partners, L.P., as defined in § 107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Acting Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: June 13, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–15642 Filed 6–20–01; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 3705]

Culturally Significant Objects Imported for Exhibition Determinations: "Exploring the Holy Land: David Roberts and Beyond"

AGENCY: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681 *et seq.*), Delegation of Authority No. 234 of October 1, 1999 (64 FR 56014), and Delegation of Authority No. 236 of October 19, 1999 (64 FR 57920), as amended by Delegation of Authority No. 236–3 of August 28, 2000 (65 FR 53795), I hereby determine that the objects to be included in the exhibit, "Exploring the Holy Land: David Roberts and Beyond," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the objects at the Bowers Museum of Cultural Art, Santa Ana, California, from on or about October 6, 2001, to on or about January 9, 2002, and possible additional venues yet to be determined is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: June 14, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–15629 Filed 6–20–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3706]

Culturally Significant Objects Imported for Exhibition Determinations: "Russian Avant-Garde Drawings of the 20th Century"

AGENCY: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681 *et seq.*), Delegation of Authority No. 234 of October 1, 1999 (64 FR 56014), and Delegation of Authority No. 236 of October 19, 1999 (64 FR 57920), as amended by Delegation of Authority No. 236–3 of August 28, 2000 (65 FR 53795), I hereby determine that the objects to be included in the exhibit, "Russian Avant-Garde Drawings of the 20th Century," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the objects at the Northeast Document Conservation Center, Andover, Massachusetts, from on or about October 15, 2001, to on or about November 9, 2001, and possible additional venues yet to be determined is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: June 14, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–15628 Filed 6–20–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3702]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: American Studies Institute for East Timorese Diplomats

ACTION: Notice; Request for grant proposals (RFGPs).

SUMMARY: The Study of the U.S. Branch, Office of AcademicExchange Programs, Bureau of Educational and Cultural Affairs, announces an open competition for an assistance award. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(C) may apply to develop and implement a five-week academic seminar on American Constitutional Government and U.S. Foreign Policy, which will be designed for approximately 10 newly trained East Timorese diplomats.

The program is intended to provide participants with a deeper understanding of Constitutional government in the United States and of American political, economic and social institutions as they relate to the formulation of U.S. foreign policy. The program is five weeks in length and will be conducted during November and December of 2001.

The Bureau is seeking detailed proposals from colleges, universities, consortia of colleges and universities, and other not-for-profit academic organizations that have an established reputation in one or more of the following fields: political science, international relations, law and diplomacy, and other disciplines related to the program theme.

Applicant institutions must demonstrate expertise in conducting post-graduate programs for foreign educators, and *must have a minimum of four years experience in conducting international exchange programs.* Bureau guidelines stipulate that grants to organizations with less than four years experience in conducting international exchanges are limited to $60,000. As it is expected that the budget for these programs will exceed $60,000, organizations that cannot demonstrate at least four years experience will not be eligible to apply under this competition.

The project director or one of the key program staff responsible for the academic program must have an advanced degree in one of the fields listed above. Staff escorts traveling under the cooperative agreement must have demonstrated qualifications for this service. Programs must conform with Bureau requirements and guidelines outlined in the Solicitation Package. Bureau programs are subject to the availability of funds.

Program Information

Overview and Objectives: East Timor will join the ranks of independent nations late in 2001 with a small staff of foreign office employees. While these individuals will have a basic understanding of diplomacy and ways in which a democracy forges a foreign policy, they will have little practical experience. Accordingly, the goal of this project is to provide a select group of foreign office professionals with an intensive examination of the basics of foreign policy formulation and foreign relations using the U.S. experience as a model. At the end of the institute, participants should better understand the nature of American constitutional government, the requirements of a successful foreign policy, and the ways

in which foreign policy in a democratic system is conceived, debated, and formulated by various actors.

The American Studies Institute on American Constitutional Government and U.S. Foreign Policy is thus intended to offer a group of newly-trained East Timorese diplomats with the opportunity to deepen their understanding of Constitutional government in the United States and of how American political, economic and social institutions affect the formulation of U.S. foreign policy.

Ideally, the program should provide participants with a brief overview of the history of the United States and the critical ideas and events that have shaped the development of its democratic institutions; it should examine the fundamental principles and provisions of the U.S. Constitution with reference to its federal character, and to the organization and respective powers of the executive, legislative and judicial branches, with particular attention to the role that each branch plays in the making of U.S. foreign policy; and it should examine the U.S. foreign policy process in light of the interaction of government and non-government organizations, including the various departments and bureaucracies of government, as well as a range of such organizations as think tanks, lobbies, the media, and other NGOs. Throughout the program, foreign policy issues relating to security, trade and political matters should be discussed with reference to the U.S.-Asia relationship generally, and with reference to Indonesia and East Timor affairs in particular.

The program should be approximately five weeks in length and must include an academic residency segment of at least three weeks duration at a college or university campus (or other appropriate location). A study tour segment of not more than two weeks should also be planned and should directly complement the academic residency segment; the study tour should include visits to one or two additional regions of the United States outside the region of the host institution. If the host institution is outside the Washington, DC area, the travel portion must include at least one week in Washington, DC.

The institute should be designed as an intensive, academically rigorous seminar tailored to the professional needs and interests of what is likely to be the first cohort of diplomats from the new nation of East Timor. It is therefore imperative that the seminar be organized as a coherent and well-integrated series of lectures, seminar discussions, and consultations, combined with regional travel and site visits.

It is further expected that within the limits of the program's thematic focus and organizing framework, proposals will be designed to give participants a multi-dimensional view of U.S. society and institutions that includes a broad and balanced range of perspectives. The program should therefore include not only the views of scholars, teachers and foreign area research specialists, but also those of professionals outside the university such as government officials, journalists, representatives of NGOs and others who can substantively contribute to the topics at issue.

Program Dates: Ideally, the program should be 35 days in length(including participant arrival and departure days) and should begin in early November 2001.

Participants: As specified in the guidelines in the solicitation package, the program should be designed for a group of 10 EastTimorese diplomats who will have finished their preliminary professional training in Indonesia prior to the beginning of this five-week seminar. They will be interested in U.S. foreign policy issues, especially as those issues relate to the Asian region generally and to Indonesia and East Timor specifically.At the conclusion of this program, most will be assigned to foreign missions abroad, including the East Timor mission in Washington, DC.

The educational level of the participants will vary. Some will have undergraduate degrees, while others will have completed formal education through the secondary level only. In general, all participants can be expected to have a rudimentary knowledge of American institutions, including the workings of the American government and its foreign policy apparatus.

Some of the participants will be fluent in English; most, however, will know only Bahasa Malayu (Indonesian) and/ orPortuguese. Simultaneous translation, which will entail additional program costs for escort/interpreters, will therefore be needed throughout all phases of the program. While the specific language for simultaneous translation will not be known until the final grantee cohort is identified, the program's structure, organization, and schedule of activities, as well as its general program budget, should be developed with this requirement in mind.

Participants will be identified and selected by the United StatesEmbassy in Jakarta.

Proposal Guidelines: While the conception and structure of the institute program is the responsibility of the organizers, it is critically important that proposals provide a full, detailed and comprehensive narrative that clearly describes the objectives of the institute; the title, scope and content of each session; and, how each session relates to the overall institute theme. The syllabus must therefore indicate the subject matter for each lecture or panel discussion, confirm or provisionally identify proposed lecturers and discussants, and clearly show how assigned readings will support each session. A calendar of all activities for the program must also be included. Overall, proposals will be reviewed on the basis of their fullness, coherence, clarity, and attention to detail.

Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further details on program design and implementation, as well as additional information on all other requirements.

Budget Guidelines

Based on groups of 10 participants, the totalBureau-funded budget (program and administrative) should be approximately $130,000, and Bureau-funded administrative costs as defined in the budget details section of the solicitation package should be approximately $40,000. Justifications for any costs above these amounts must be clearly indicated in the proposal submission. Proposals should try to maximize cost sharing in all facets of the program and to stimulate U.S. private sector, including foundation and corporate, support. Applicants must submit a comprehensive budget for the entire program. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program, and availability of U.S. government funding.

Special Note: Salary for escort/interpreters will be paid directly by the Department of State and therefore should not be part of the budget submission. However, escort/ interpreter housing costs and per diem expenses throughout the program should be included in the budget package as part of general program costs. Two escort/ interpreters will be responsible for simultaneous translation throughout the entire five-week program; during the two-week study tour, a third escort/interpreter will join the group to assist organizers in handling additional administrative and logistical duties.

Please refer to the "POGI" in the Solicitation Package for complete institute budget guidelines and formatting instructions.

Announcement Name and Number

All communications with the Bureau concerning this announcement should refer to the following title and reference number:

"American Constitutional Government and U.S. Foreign Policy"—ECA/A/E/USS–01–20-Bate

FOR FURTHER INFORMATION CONTACT: To request a Solicitation Package containing more detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation, applicants should contact:U.S. Department of State,Bureau of Educational and Cultural Affairs,Office of Academic Exchange Programs,Study of the U.S. Branch,State Annex 44,ECA/A/E/USS—Room 252,301 4th Street, SW.,Washington, DC 20547, Attention: William Bate.

Telephone number: (202) 619–4562
Fax number: (202) 619–6790
Internet address: wbate@pd.state.gov.

Please specify William Bate on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the office listed above or submitting their proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until after the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://exchanges.state.gov/education/rfgps/.Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5:00 p.m.Washington DC time on Wednesday, August 22, 2001. Faxed documents will NOT be accepted, nor will documents postmarked but received at a later date. It is the responsibility of each applicant to ensure that proposals arrive by the deadline.

Submissions

Applicants must follow all instructions in the Solicitation Package. The original and 13 copies of the complete application should be sent to:U.S. Department of State,Bureau of Educational and Cultural Affairs,Reference: ECA/A/E/USS–01–20-Bate,Program Management Staff, ECA/EX/PM, Room 534,State Annex 44,301 4th Street, SW.,Washington, DC 20547.

Applicants should also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. This material must be provided in ASCII text(DOS) format with a maximum line length of 65 characters.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life."Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau"shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office. Eligible proposals will then be forwarded to panels of senior Bureau officers for advisory review. Proposals may also be reviewed by the Office of the Legal Advisor or by other Bureau elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Technically eligible applications will be competitively reviewed according to the criteria stated below. Particular weight will be given to items one and two; all remaining criteria will be evaluated equally.

1. *Overall Quality:* Proposals should exhibit originality and substance, consonant with the highest standards of American scholarly and professional practice. Program design should be tailored to convey substantive knowledge regarding the U.S. system of government, including its foreign policy processes, to a group whose knowledge of American institutions is rudimentary. Program elements should be coherently and thoughtfully integrated. Lectures, panels, and consultations, taken as a whole, should offer a balanced presentation of issues, reflecting both the continuity of the American experience as well as the diversity and dynamism inherent in it.

2. *Program Planning and Administration:* Proposals should demonstrate careful planning. The organization and structure of the institute should be clearly delineated and be fully responsive to all program objectives. A program syllabus (noting specific sessions supporting each thematic or academic unit) should be included, as should a calendar of activities. The travel component should not simply be a tour, but should be an integral and substantive part of the program, reinforcing and complementing the academic segment. Proposals should provide evidence of continuous administrative and managerial capacity as well as the means by which program activities and logistical matters will be implemented.

3. *Institutional Capacity:* Proposed personnel, including faculty and administrative staff as well as outside presenters, should be fully qualified to achieve the project's goals. Library and meeting facilities, housing, meals, transportation and other logistical arrangements should fully meet the needs of participants.

4. *Support for Diversity:* Substantive support of the Bureau's policy on diversity should be demonstrated. This can be accomplished through documentation, such as a written statement, summarizing past and/or on-going activities and efforts that further the principle of diversity within the organization and its activities. Program activities that address this issue should be highlighted.

5. *Experience:* Proposals should demonstrate an institutional record of successful exchange program activity,

indicating the experience that the organization and its professional staff have had in working with foreign educators.

6. *Evaluation and Follow-up:* A plan for evaluating activities during the Institute and at its conclusion should be included. Proposals should also discuss provisions made for possible follow-up with returned grantees as a means of establishing longer-term individual and institutional linkages.

7. *Cost Effectiveness:* Proposals should maximize cost sharing through direct institutional contributions, in-kind support, and other private sector support. Overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations. * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the UnitedStates and the other countries of the world."

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative.

Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of this RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, and allocated and committed through internal Bureau procedures.

Dated: June 14, 2001.

Helena K. Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–15541 Filed 6–20–01; 8:45 am]

BILLING CODE 4710–05–U

DEPARTMENT OF STATE

[Public Notice 3703]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Future Leaders Exchange Civic Education Workshops

SUMMARY: The Office of Citizen Exchanges, Youth Programs Division of the Bureau of Educational and Cultural Affairs announces an open competition to conduct spring 2002 and spring 2003 Civic Education workshops for the Future Leaders Exchange (FLEX) program. Overall goals of the workshops are: (1) To expose high school students from the New Independent States (NIS) of the former Soviet Union to federal political processes and citizen participation in government at the national level; (2) to examine the concept of effective leadership in society through looking at positive and negative examples and role models; and (3) to provide students with specific tools they can take home to aid in the transformation of their home countries to democratic and civil societies. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to develop and conduct a one-week workshop in Washington, DC, in Spring 2002 and Spring 2003 that focuses on the basic tenets of the Constitution and the fundamental elements of a civil society, including the relationship between the federal government and state and local governments, and the rule of law in a civil society. Each workshop should include approximately 110 high school students from the NIS who are attending school in the United States during 2001/02 and 2002/03. Workshop participants will be selected through an essay contest from among a group of 1,211 students who are participating in the Division's FLEX program. Competitive proposals will demonstrate a method for substantive and specific measurement of whether the goals listed above have been achieved. The maximum grant award will be $290,000. Only one grant will be awarded. Provision of cost sharing to maximize the number of participants will be looked at very favorably.

Program Information

The recipient of the grant is responsible for developing and conducting the Civic Education workshop based on guidelines set forth by the Division. The grantee organization will also be responsible for coordinating travel arrangements for each participant from his/her host community to Washington, DC and return, and for providing room and board for students during their time in Washington. Proposals must demonstrate flexibility and a willingness to work with the Department of State and the Bureau in arranging certain briefings and visits, as the opportunity arises.

Overview: These workshops should enable participants to learn firsthand about the federal system of government, observe government institutions, hear about and discuss issues on the federal agenda, and interact with government officials. Special attention should be paid to those issues that will be especially significant to people from the former Soviet Union. The workshops should also provide an opportunity for participants to gain a broader understanding of democratic concepts and values that are such an integral part of American society and culture, such as citizen empowerment, volunteerism, community action, and debate. The program should be arranged for seven days, including arrival and departure.

The grantee organization will be provided with the names of the students who will have been chosen through a competitive essay contest. The essays will have been reviewed by independent, objective selectors. Winning essays will be sent to the grantee organization, as well.

Guidelines: The workshops should be held in late winter or early Spring 2002 and Spring 2003. Proposals must effectively describe the organization's ability to accomplish the following essential components of the program:

1. Provide a Civic Education workshop in Washington, DC, as described above and held at the time period indicated. Program components should include sessions on federalism, U.S. domestic and foreign policy, the role of the media in the United States, citizen empowerment, volunteerism and community activism. Leadership should be a sub-theme throughout the program and should include the effective exercise of leadership in the political process.

2. Provide pre-program training for organization staff on NIS society and culture.

3. Provide housing and meals for the students throughout the program.

4. Arrange travel for students from their U.S. host communities to Washington, DC, and return in coordination with FLEX placement organizations. (Note: Students will likely be coming from most of the 50 states.) Provide ground transportation for students in the DC area, including to and from airports.

5. Provide opportunities to attend cultural events and visit museums and monuments.

6. Coordinate with the Bureau's Youth Programs Division (ECA/PE/C/PY) and the Department's Office of Congressional Affairs (H) in making appropriate arrangements for individual meetings for all workshop participants with their respective members of Congress (either Senator or Representative).

7. Provide staff to assist in case of medical emergencies.

8. Incorporate a program component designed to facilitate students' transition from the DC program to their host communities. Include a description of the ways in which students will be encouraged to share what they have learned, both in their U.S. host communities and when they return to their home countries.

9. Provide a mechanism for evaluation of the program in terms of its impact on the students and its success in fulfilling the objectives.

A competitive proposal will incorporate important elements of American culture in sessions that are largely interactive and designed to appeal to high school-age students. The program must be substantive and academic while, at the same time, be paced realistically to meet the needs of young people.

Significant cost sharing is important since it will enable a greater number of students to participate. Therefore, those proposals that show more generous and creative cost sharing will be more favorably viewed. Please refer to the Program Objectives, Goals, and Implementation (POGI) section of the Solicitation Package for greater detail regarding the design of component parts as well as other program information.

Budget Guidelines

Organizations must arrange a program and submit a proposal and budget for a minimum of 110 students but may increase the number of participants through cost sharing the additional expenses incurred. Proposals that maximize the number of students will be favorably viewed. One grant will be awarded for this activity. It is estimated that the total costs of the Civic Education workshop will average $1,300 per NIS participant for a one-week program, including U.S. domestic travel costs.

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. The Bureau anticipates awarding one grant in the amount of $290,000 to support program and administrative costs required to implement these two workshops. Awards will not exceed $290,000. The Bureau encourages applicants to provide maximum levels of cost-sharing and funding from private sources in support of its programs.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Please refer to the Solicitation Package for further details, including a list of allowable costs for the program, complete budget guidelines, and formatting instructions. Please note that all workshop participants will be covered by health insurance under separate grants to their placement organizations.

Announcement Title and Number

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/PY–02–04.

FOR FURTHER INFORMATION, CONTACT: The Office of Citizen Exchanges, Youth Programs Division (ECA/PE/C/PY), Room 568, U.S. Department of State, 301 4th Street, S.W., Washington, DC 20547, telephone (202) 619–6299; fax (202) 619–5311; e-mail: *lbeach@pd.state.gov* to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Manager Diana Aronson on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://exchanges.state.gov/education/RFGPs. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Monday, August 6, 2001. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and 8 copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/PY–02–04, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs, Final technical authority for assistance awards, grants, or cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission, as well as the objectives of the FLEX program. Program design must reflect an understanding of young people and of cultural traits that would be specific to this population.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier effect/impact/follow on:* Proposed programs should describe the impact that workshop participants will have on others, both in their U.S. host communities and in the NIS after they return home. There should be a plan for providing students with tools they can take back to their NIS home countries to implement concepts and ideas they have gained from the workshop. Proposals also should explain how students will be prepared to transition back to their host communities.

5. *Support of diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. *Institutional capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. *Institution's record/ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. *Project evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. The successful applicant will be expected to submit a final report.

9. *Cost-effectiveness/cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961,Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through the Freedom Support Act of 1992.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 8, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–15542 Filed 6–20–01; 8:45 am]

BILLING CODE 4710–05–U

DEPARTMENT OF STATE

[Public Notice 3704]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Israeli-Arab Scholarship Program

SUMMARY: The Office of Academic Exchange Programs of the Bureau of Educational and Cultural Affairs announces an open competition for an assistance award for the Israeli-Arab Scholarship Program. Public and private non-profit organizations with at least four years of experience in conducting international exchange programs and meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to provide administrative and program support services for the Israeli-Arab Scholarship Program.

Program Information

Overview

The Israeli-Arab Scholarship Program (IASP) is a congressionally mandated and endowed program. The Israeli-Arab Scholarship Program provides an opportunity for highly qualified Israeli-Arab graduate students to attend institutions of higher education in the U.S., providing them both a quality graduate education and an opportunity to experience American democracy and society.

The Bureau's Office of Academic Exchange Programs and the Public

Affairs Section (PAS) of the U.S. Embassy in Tel Aviv, Israel, jointly administer the Israeli-Arab Scholarship Program. Applicants are recruited, screened, and selected by PAS Tel Aviv with the assistance of a panel of host-country academics. The Office of Academic Exchange Programs is responsible for allocation of funding and policy administration. The successful applicant will have responsibility for program administration, which involves performance of services in the following broad categories: Program Planning and Management; Recruitment/Selection Support Services; Placement and Budgeting Services; Supervision and Support Services; Special Programs Management; Fiscal Management; and Program Projection, Reporting and Evaluation Services.

Guidelines

Program administration activities should cover the time period October 1, 2001 through December 31, 2003. The expected grantee caseload for fiscal year 2002 (FY 2002) is projected to be up to four (4) new students for academic year 2002–2003. Applicants for this award should submit a program proposal with budget projections for the first program year only. Prior year renewal grants will be administered by the organization currently administering the program. Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

The Bureau anticipates awarding one grant up to the amount of $150,000 to support program and administrative costs required to implement this program. The Bureau encourages applicants to provide maximum levels of cost-sharing and funding from private sources in support of its programs. Proposals that contain administrative expenses to 20% of the overall budget will be deemed more competitive.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/E/NEA–IASP02.

FOR FURTHER INFORMATION CONTACT: Alice A. Armitage, Office of Academic Exchange Programs, ECA/A/E/NEA–SA, Room 212, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, phone: (202) 619–6863, fax: (202) 205–2466, email: *aarmitag@pd.state.gov* to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Alice A. Armitage on all other inquiries and correspondence. Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at *http://exchanges.state.gov/education/RFGPs.*

Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Thursday, July 19, 2001. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and seven copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/E/NEA–IASP02, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the U.S. Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package.

The program office, as well as the Public Diplomacy section overseas, where appropriate, will review all eligible proposals. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria

are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content(orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. *Institution's Record/Ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. *Institutional Network:* Proposals should include proof of an existing network with U.S. academic and international exchange community or demonstrated potential to develop such a network.

9. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

10. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority

Overall grant making authority for this program is contained in Public Law 102–138, the "Foreign Relations Authorization Act, Fiscal Years 1992 and 1993." The purpose of the legislation is to establish "a program of scholarships for Israeli-Arabs to attend institutions of higher education in the United States." The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 13, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural, Affairs, U.S. Department of State.

[FR Doc. 01–15543 Filed 6–20–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Prepare an Environmental Impact Statement and Hold Scoping Meetings for San Diego International Airport—Lindbergh Field, San Diego, CA

AGENCY: Federal Aviation Administration DOT.

ACTION: Notice to hold one (1) public scoping meeting and one (1) Governmental/Public Agency scoping meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for development recommended by the Master Plan for San Diego International Airport-Lindbergh Field, San Diego, California. To ensure that all significant issues related to the proposed action are identified, one (1) public scoping meeting and one (1) governmental and public agency scoping meeting will be held.

FOR FURTHER INFORMATION CONTACT: David B. Kessler, AICP, Environmental Protection Specialist, AWP–611.2, Planning Section, Airports Division, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, Los Angeles, California 90009–2007, Telephone: 310/725–3615. Comments on the scope of the EIS should be submitted to the address above and must be received no later than 5 p.m. Pacific Daylight Time, Friday, August 10, 2001.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) will prepare an Environmental Impact Statement for future development recommended by the Master Plan for San Diego International Airport-Lindbergh Field (Lindbergh Field). The need to prepare an Environmental Impact Statement (EIS) is based on the procedures described in FAA Order 5050.4A, Airport Environmental Handbook. Lindbergh Field is a commercial service airport located within a standard metropolitan statistical area and the proposed development that will require FAA approval of the Airport Layout Plan; the area around the airport contains non-compatible land uses in terms of aircraft noise; and the proposed development is likely to be controversial.

The Port of San Diego has decided to prepare an independent Draft Environmental Impact Report (EIR) for the proposed development, pursuant to the California Environmental Quality Act of 1970 (CEQA). FAA anticipates that the Port of San Diego will publish their Draft EIR during the summer of 2001. The Lead Agency for the preparation of the EIS is the Federal Aviation Administration. The following master planning development alternatives and the No Action Alternative are proposed to be evaluated in the EIS as described below:

Alternative One

Construct New North Terminal and Cargo Area

Construct new 10-gate North Terminal (approximately 255,000 square feet).
Construct North Terminal Aircraft Parking Apron and two connector taxiways from new North Terminal Apron to Taxiway C.
Relocate existing utilities included large-diameter sewer. Install utilities including underground hydrant fueling at gates.
Possible construction of fuel tender station (for gas/diesel/and possibly compressed natural gas (CNG) fueling of GSE.
Relocate north service road. Construct airport access road improvements.
Construct new cargo facility and cargo apron to accommodate eight aircraft with aircraft pushing back directly onto Taxiway C.
Construct short-term and long-term automobile parking spaces.

Alternative Two

South Terminal Expansion & Cargo Area

Construct 9-gate expansion (approximately 120, 000 square feet) on the west side of Terminal 2 West.
Expand aircraft parking apron to serve new gates and 7 Remain Over Night positions.
Demolition of existing Naval Training Center facilities including excavation of approximate 57,000 square yard former landfill to an average depth of 8 feet.
Construct 2,900-space parking garage south of Terminal 2 West on existing surface parking lot.
Construct access road improvements.
Construct air cargo facility.

Alternative Three

No Action Alternative

This alternative does not include any projects that would increase the number of gates at the terminal, automobile parking capacity or the airport's air cargo capacity.

Comments and suggestions are invited from Federal, State and local agencies, and other interested parties to ensure that the full range of issues related to these proposed projects are addressed and all significant issues are identified. Written comments and suggestions concerning the scope of the EIS may be mailed to the FAA informational contact listed above and must be received no later than 5 p.m. Pacific Daylight Time, Friday, August 10, 2001.

Public Scoping Meeting

The FAA will hold one (1) public and one (1) governmental agency scoping meeting to solicit input from the public and various Federal, State and local agencies having jurisdiction by law or having specific expertise with respect to any environmental impacts associated with the proposed projects. The public scoping meeting will be held on Wednesday, July 25, 2001 at the Port of San Diego Embarcadero Planning Center, 585 Harbor Lane, San Diego, California 92101. The meeting will be held from 2:30 p.m. to 6 p.m. Pacific Daylight Time (PDT). A scoping meeting will be held specifically for governmental and public agencies on Thursday, July 26, 2001, from 9 a.m. to 12 Noon (PDT) in the same location as the public scoping meeting.

Issued in Hawthorne, California on Friday, June 15, 2001.

Ellsworth L. Chan,

Acting Manager, Airports Division, Western-Pacific Region, AWP-600.

[FR Doc. 01–15608 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application (01–02–C–00–SHR) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at the Sheridan County Airport, Submitted by the County of Sheridan, Sheridan, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at the Sheridan County Airport under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before July 23, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Alan E. Wiechmann, Manager; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 26805 E. 68th Avenue, Suite 224; Denver, CO 80249–6361.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Norman L. Feck, Airport Manager, at the following address: Sheridan County Airport, 908 W. Brundage Lane, Sheridan, Wyoming 82801.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to the Sheridan County Airport, under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Schaffer, (303) 342–1258; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 26805 68th Avenue, Suite 224; Denver, CO 80249–6361. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (01–02–C–00–SHR) to impose and to use PFC revenue at the Sheridan County Airport, under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 15, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the County of Sheridan, Wyoming, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 22, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: December 1, 2001.

Proposed charge expiration date: March 1, 2005.

Total requested for use approval: $186,427.00.

Brief description of proposed projects: Installation of Edge Drains for Runway 14/32 and Taxiway B, Terminal Building ADA Improvements, Design of Runway Rehabilitation and Deicing Containment Facility, Construction of Deicing Containment Facility, and Runway 5/23 Rehabilitation.

Class or classes of air carriers, which the public agency has requested not be required to collect PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., Suite 315, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Sheridan County Airport.

Issued in Renton, Washington on June 15, 2001.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 01–15609 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9948]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel AMBUSH.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S.-vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before July 23, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9948. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC. 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: AMBUSH. Owner: Edward G. Patenaude.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Length: 40′ Breadth: 13.2′ Depth: 6′ Capacity: 6 or fewer passengers Gross Tonnage: 21 Net Tonnage: 16."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Sport fishing charters with six or fewer passengers. All contiguous U.S. coastal waters, excluding Alaskan waters."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1997. Place of construction: San Jose, Costa Rica.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "This waiver will have little or no impact. This vessel will carry six or fewer passengers on either full day or one-half day trips. This represents an extremely small percentage of the sport fishing charter business."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "None. * * * Allowing this relatively small vessel to engage in sport fishing charters will not affect demand for boats from U.S. shipyards."

Dated: June 18, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–15641 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9949]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel CHALLENGE BUSINESS 28.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S.-vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before July 23, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9949. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: CHALLENGE BUSINESS 28. Owner: Challenge Business, Ltd.

(2) Size, capacity and tonnage of vessel. According to the applicant: "66.24′ long, has a breadth of 17.32′ and a depth of 8.6′. Under our Simplified Admeasurement Rules, (46 CFR part 69), the yacht has a gross tonnage of 46.2 and a net tonnage of 41.62.

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "The yacht will be used to generate interest in sailing boats of this type around the world in a race called the New World Challenge 2002. Ordinary people, from all walks of life, will become members of the crew on 10 newer, slightly larger boats that will sail from the United Kingdom to Boston, MA, then New York, Buenos Aires, Argentina, around Cape Horn to Chile, San Diego and finally to San Francisco. The interest, love and excitement of sailing such boats, in difficult conditions, over a period of approximately 10 months, will be supported by a number of corporate sponsors who expect to benefit from the team building aspect of the race and the publicity that the race will generate. To foster interest in the race among potential sponsors and supporters of the race, the yacht will be used as an information and training platform. The owner intends to take members of the press, and other media, on the boat to experience what it will be like to sail a boat of this type in this race. Similarly, the owner wishes to take potential and actual sponsors and supporters of the race on the boat for the same purpose. None of the press, media, and supporters will be asked to pay anything for sailing aboard this yacht. But, we have been advised that unless the boats sail "voyages to nowhere" (i.e. three miles from port and back again), that some of these activities would be violative of U.S. coastwise laws. This yacht will be based in Boston, MA, and may be sailed anywhere along the East Coast of North America."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1992. Place of construction: United Kingdom.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "This activity will have absolutely no impact on the operations of any commercial passenger operations. This boat had been used in another, similar race promoted by Challenge Business. The yacht is very similar in size, design, sail area and handling characteristics to the 10 boats that will be competing in the race. Thus, it is one of the most representative, and one of the few "experienced", boats and could be used for the intended purpose. Further, this boat and the others employed in the Challenge Business race are very unique. This project brings together ordinary people, the corporate and non-profit communities, and fully involves them in sailing one-design-boats in a sailing experience that is not duplicated anywhere in the world. No existing commercial vessel operated by anyone else can fill this role."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "Similarly, the proposed activity will have absolutely no impact on U.S. shipyards. This yacht is uniquely valuable in that it has been raced under similar conditions, in a similar race while manned by individuals who had little, if any, sailing experience, before sailing aboard such a yacht. This yacht most accurately represents the look, feel and impact that the 10 yachts in the race will have on the sailors, media, press, sponsors and supporters. Given its historical connection to a similar race, no newly built U.S. yacht could preform the proposed activity. Further, we are not aware of any similar yachts currently under construction in the U.S."

Dated: June 18, 2001.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–15640 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Notice of Public Meeting and Request for Comments To Address the Development of a Booster Seat Education Plan; Correction

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice; correction.

SUMMARY: The National Highway Traffic Safety Administration published a document in the **Federal Register** of June 6, 2001, concerning notice of public meeting and request for comments to address the development of a booster seat education plan. The document was incorrectly published as a Proposed Rule. It should have been published as a Notice because it will not lead to Rulemaking. The document also contained incorrect dates.

FOR FURTHER INFORMATION CONTACT: Tami Levitas, NHTSA, 202–366–0652.

Correction

1. In the **Federal Register** of June 6, 2001, in (66 FR 30366) (Docket NHTSA–01–9785), on page 30367, in the first column, second paragraph, correct the "Dates" caption to read:

DATES: * * * Written Comments: Written requests to speak at the public meeting and/or suggestions for items to be included in the meeting agenda, should be received at Docket Management at the below address no later than July 3, 2001. Comments to be submitted for the public record should be received at Docket Management at the below address no later than July 13, 2001.

2. In the **Federal Register** of June 6, 2001, in (66 FR 30366) (Docket NHTSA–01–9785), on page 30367, correct the third column, paragraph after question 12, first sentence, of the "Supplementary Information" caption to read:

If you wish to make a presentation at the meeting, please contact Tami Levitas at the above mailing address or telephone number by July 3, 2001.

Dated: June 15, 2001.

Rose A. McMurray,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 01–15603 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 01–9362; Notice 2]

Saleen, Inc.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

This notice grants the application by Saleen, Inc., of Irvine, California, for a temporary exemption of its S7 passenger car from the automatic restraint requirements of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. The basis of the request was that compliance would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith. 49 U.S.C. 30113(b)(3)(B)(i).

We published notice of receipt of the application on April 23, 2001, and afforded an opportunity for comment (66 FR 20520).

Saleen referred to itself as a "small volume US manufacturer which currently produces the Saleen S281 and the XP8 Explorer." Saleen receives completed and certified Mustangs and Explorers from Ford Motor Company drop shipped at the direction of the dealers who own them. Saleen adds a supercharger, makes "other minor engine modifications, front and rear bumper outer skin designs, the seat trim, [upgrades] the tires' wheels/suspension/brakes, and [adds] appliques to the exterior and interior of the vehicle. Saleen does not make any structural changes to the Mustang or the Explorer." Under NHTSA regulations, Saleen is considered an alterer, rather than a manufacturer, since it modifies previously certified vehicles. (See 49 CFR 567.7). Although it may have altered several hundred Ford vehicles in the year preceding the filing of its application, we have not previously regarded Saleen as a "manufacturer."

Saleen now intends to manufacture a motor vehicle of its own design. As the vehicle has not entered production, Saleen has manufactured no motor vehicles in the year preceding the filing of its application. The vehicle is called the S7 and is a "two seat, coupe, sportscar." The S7 has been shown in prototype form at automobile shows around the country. The prototype does not fully comply with the lighting requirements of Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, but Saleen has assured us that the next prototype and the production models to follow will meet Standard No. 108 and all other standards as well, with the exception of the automatic restraint requirements of Standard No. 208, paragraph S4.1.5.3.

Saleen asked for a three-year exemption for the S7 and anticipates that it will sell a total of 112 of them by the end of 2003. According to the petition, preliminary compliance-related development of the S7 was started in July 2000. By the time it filed its petition in December 2000, the company had "spent an estimated total of 180 man-hours and $18,000 relating to the installation of a driver and passenger side airbag system on the S7." The monies spent thus far "have been in the areas of exterior and interior design necessary for the installation of airbags." It has been advised that the airbag development process would cost approximately $1,000,000 not including the cost of test prototype vehicles and airbags, and tooling. This process cannot be completed by the time the company expects to launch the S7, in the summer of 2001. Indeed, the company estimated that it will take up to 20 months to fully develop a system and that the total costs will approach $3,000,000.

Saleen had cumulative net losses before taxes for the past three fiscal years of $9,716,334. It states that it "simply cannot afford to develop the airbags in either the first (2001) or second (2002) year" because of these losses. The company "has exhausted all of its borrowing capacity and must sell and ship S7 vehicles (as well as its other products) to generate cash flow sufficient to defray airbag development costs as well as other S7 development costs." Although "funding for the S7 was secured through a private investor," Saleen states that "all further funding for airbags must come from our ordinary income." Even with an exemption, Saleen projected net losses continuing through the end of the period though earnings before interest, taxes, depreciation and amortization would be positive. It plans to spread out air bag development costs over the next three years to achieve compliance by the end of the exemption period. If the petition is denied, the company believes that it would lose credibility with dealers and negatively impact the demand for altered Saleen vehicles.

The company argued that a temporary exemption is in the public interest because the S7 "is a unique super car designed and produced in the U.S. utilizing many U.S. sourced components." An exemption would also allow it to maintain its payroll of 122 full time employees and to continue its purchase of U.S. sourced components for the Mustangs and Explorers that it modifies. Its business with U.S. suppliers "indirectly provides employment for several hundred other Americans." An exemption is consistent with vehicle safety objectives because the S7 otherwise will conform to all applicable Federal motor vehicle safety standards.

We received no comments from the public on Saleen's application.

Saleen is typical of small volume manufacturers who have received temporary exemptions in the past on hardship grounds. It is commencing to manufacture high-priced automobiles for a specialty market with limited resources to do so, and its income statements show net losses for previous fiscal years. It is manifest that to require compliance with Standard No. 208 now would cause Saleen substantial economic hardship through preventing it from the opportunity to enter a new market, although a denial of its application would not appear to NHTSA to have a material effect on its current operations as an alterer.

Saleen is typical, too, in extending its compliance development efforts over a period of time in recognition of its limited finances. NHTSA notes that the company estimates that it will take up to 20 months to fully develop an automatic restraint system. This would appear to justify a 24-month exemption rather than one of 36 months.

The agency has traditionally found that the public interest is served in affording continued employment to a small volume manufacturer's work force and to those of its U.S.-sourced component suppliers, as well as affording the public a wider variety of motor vehicles. An exemption in this case would appear to afford an opportunity for new jobs and part suppliers connected with manufacturing the S7. In the usual case, the vehicle that is the subject of the application complies with all other applicable Federal motor vehicle safety standards and will be made in quantities that will have a negligible impact on the overall level of safety on the roads of this country.

All these factors are present in this case. In consideration of the foregoing, it is hereby found that compliance with the automatic restraint requirements of Standard No. 208 would cause substantial economic hardship to a

manufacturer that has tried in good faith to comply with the standard. It is further found that the granting of an exemption would be in the public interest and consistent with the objectives of traffic safety.

Accordingly, Saleen, Inc., is hereby granted NHTSA Temporary Exemption No. 2001–6 from S4.1.5.3 of 49 CFR 571.208, Standard No. 208, *Occupant Crash Protection*, for the Saleen S7, expiring July 1, 2003.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50)

Issued on June 18, 2001.

L. Robert Shelton,

Executive Director.

[FR Doc. 01–15606 Filed 6–20–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33744]

CSX Transportation, Inc.—Trackage Rights Exemption—Louisville & Indiana Railroad Company

Louisville & Indiana Railroad Company (LIRC) has agreed to grant to CSX Transportation, Inc. (CSXT) trackage rights over LIRC's line between milepost 110.56, at Louisville, KY, and milepost 4.0, at Indianapolis, IN, a distance of approximately 106.5 miles (line).[1]

The transaction is scheduled to be consummated on June 15, 2001. The trackage rights will allow CSXT to operate efficiently between Louisville and Indianapolis.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

[1] Redacted versions of two Trackage Rights Agreements between CSXT and LIRC (agreements) were filed with the verified notice of exemption. Unredacted versions of the agreements, as required by 49 CFR 1180.6(a)(7)(ii), were concurrently filed under seal along with a motion for a protective order. That motion has been granted in a separate decision and a protective order in this proceeding is being served on June 15, 2001.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33744, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Natalie S. Rosenberg, Esq., CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

Board decisions and notices are available on our website at *www.stb.dot.gov*.

Decided: June 13, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–15433 Filed 6–20–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 15, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 23, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1072.

Regulation Project Number: INTL–952–86 NPRM and Temporary.

Type of Review: Extension.

Title: Allocation and Apportionment of Interest Expense and Certain Other Expenses.

Description: The regulations provide rules concerning the allocation and apportionment of expenses to foreign source income for purposes of the foreign tax credit and other provisions.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 15,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting./ Recordkeeping Burden: 3,750 hours.

OMB Number: 1545–1265.

Regulation Project Number: IA–120–86 Final.

Type of Review: Extension.

Title: Capitalization of Interest.

Description: The regulations require taxpayers to maintain contemporaneous written records of estimates, to file a ruling request to segregate activities in applying the interest capitalization rules, and to request the consent of the Commissioner to change their methods of accounting for the capitalization of interest.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 50.

Estimated Number of Recordkeepers: 500,000.

Estimated Burden Hours Per Respondent: 2 hours.

Estimated Burden Hours Per Recordkeeper: 14 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 116,767 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–15631 Filed 6–20–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

Privacy Act of 1974, as Amended; Systems of Records

AGENCY: Bureau of Engraving and Printing, Treasury.

ACTION: Notice of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Bureau of Engraving and Printing is publishing its inventory of Privacy Act systems of records.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A–130, Bureau of Engraving and Printing (BEP) has completed a review of its Privacy Act systems of records notices to

identify minor changes that will more accurately describe these records.

The changes throughout the document are editorial in nature and consist principally of changes to system locations and system manager addresses and revisions to organizational titles. The systems of records have been revised by updating the language describing the notification procedure and to make the description consistent. In BEP .020-Industrial Truck Licensing Records, one of the categories of records was deleted.

The following systems of records have been removed from the bureau's inventory of Privacy Act systems: BEP .040 Freedom of Information and Privacy Act Requests (December 14, 1999, 64 FR 676966); BEP .043 Parking Program Records (December 14, 2000, 65 FR 78263), and BEP .044 Personnel Security Files and Indices (December 14, 2000, 65 FR 78261).

The systems notices are reprinted in their entirety following the Table of Contents.

Systems Covered by This Notice

This notice covers all systems of records adopted by BEP up to May 11, 2001.

Dated: June 15, 2001.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

Bureau of Engraving and Printing (BEP)

BEP .002—Personal Property Claim File
BEP .004—Counseling Records
BEP .005—Compensation Claims
BEP .006—Debt Files (Employees)
BEP .014—Employee's Production Record
BEP .016—Employee Suggestions
BEP .020—Industrial Truck Licensing Records
BEP .021—Investigative Files
BEP .027—Programmable Access Security System (PASS)
BEP .035—Tort Claims (Against the United States)
BEP .038—Unscheduled Absence Record
BEP .041—Record of Discrimination Complaints
BEP .045—Mail Order Sales Customer Files
BEP .046—Automated Mutilated Currency Tracking System

Treasury/BEP .002

SYSTEM NAME:

Personal Property Claim File—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and the Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian officers and employees of the Bureau of Engraving and Printing, former employees and their survivors having claim for damage to or loss of personal property incident to their service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains investigative and adjudication documents relative to personal property damage claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Personnel and Civilian Employees' Claims Act of 1964, as amended, Pub. L. 88–558.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; and (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access is limited to Office of Chief Counsel staff.

RETENTION AND DISPOSAL:

Retained three years after case is closed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Chief Counsel, Bureau of Engraving and Printing; 14th and C Streets, SW., Washington, DC 20228, and the Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Individuals having claim for damage to or loss of personal property.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .004

SYSTEM NAME:

Counseling Records—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees whose actions or conduct warrants counseling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains correspondence relative to counseling information and follow-up reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains, contingent upon that individual signing a release of information form; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide general educational information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; and (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

Policies and practices for storing, retrieving, accessing, retaining, disposing of records in the system:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked in file cabinets; access is limited to EEO and Employee Counseling Services staff.

RETENTION AND DISPOSAL:

Retained for one year after close of file, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

EEO and Employee Counseling Services Staff Manager, Bureau of Engraving and Printing; 14th and C Streets, SW., Washington, DC 20228.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Individual employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .005

SYSTEM NAME:

Compensation Claims—Treasury/BEP.

SYSTEM LOCATION:

Compensation Staff, Personnel Services Division, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and Human Resources Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of Engraving and Printing employees incurring work-connected injuries or illnesses, who make claims under Federal Employee Compensation Act for medical expenses, continuation of pay or disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pertinent documentation, including investigative reports, medical reports, forms, letters to BEP Office of Financial Management authorizing continuation of pay, Labor Department reports, etc. relative to work-connected injuries or illnesses of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Employees Compensation Act, as amended, Pub. L. 93–416.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; and (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

Policies and practices for storing, retrieving, accessing, retaining, disposing of records in the system:

STORAGE:

File folder, magnetic media and computer disks.

RETRIEVABILITY:

Name and date of injury.

SAFEGUARDS:

Locked file cabinets, locked computers, passwords. Back-up discs locked in file cabinets. Access is limited to Compensation Claims staff and Safety managers.

RETENTION AND DISPOSAL:

Records are retained for three years after last entry, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Manager, Personnel Services Division, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Street SW., Washington, DC 20228. (2) Manager, Human Resources Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Occupational Health Unit Daily Report, medical providers, employee's supervisor's report, and information provided by the employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .006

SYSTEM NAME:

Debt Files (Employees)—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Engraving and Printing employees on whom debt complaints are received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employee's name, complaint information, court judgements, counseling efforts, receipts, and final disposition of complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in locked cabinets; access is limited to Labor-Management Relations Division, Human Resources Division and the Office of the Chief Counsel.

RETENTION AND DISPOSAL:

Retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief, Office of Human Resources and the Office of the Chief Counsel, Bureau of Engraving and Printing; 14th and C Streets, SW., Washington, DC 20228. (2) Manager, Human Resources Division, and the Office of Chief Counsel, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, TX 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Employees, Complainants, and Court Judgements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .014

SYSTEM NAME:

Employee's Production Record—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, TX 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current Washington, D.C. and Fort Worth, TX Bureau of Engraving and Printing employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employee's name, dates, work hours, record of production, history of work assignments, training, work performance, and progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 4103 and 4302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in data entry diskettes, file folders and production books.

RETRIEVABILITY:

Indexed by name, work code number and cross-referenced by project number.

SAFEGUARDS:

Maintained in locked cabinets or desks; access is limited to personnel having a "need-to-know."

RETENTION AND DISPOSAL:

Retained three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Chief Counsel; Chief, Office of Equal Employment Opportunity and Employee Counseling Services; Chief, Office of Human Resources; Chief, Office of Currency Production; Chief, Office of Stamp Production; Chief, Office of Engraving; Chief, Office of Production Engineering; Chief, Office of Procurement; Chief, Office of Production Management; Chief, Office of External Relations; Chief, Office of Currency Standards; Chief, Office of Facilities Engineering; Chief, Office of Advanced Counterfeit Deterrence; Address: Bureau of Engraving and Printing; 14th and C Streets, SW., Washington, DC 20228. Plant Manager, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, TX 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Information furnished by employee, developed by supervisor or by referral document.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .016

SYSTEM NAME:

Employee Suggestions—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Engraving and Printing employees submitting suggestions under the incentive award program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains employee's suggestion, reviewer evaluation and final disposition information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C., 4502 (c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, as well as on computer disks.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in locked file cabinets; access is limited to the Chief, Office of Human Resources, the Assistant Chief Financial Officer, and the employee's supervisor.

RETENTION AND DISPOSAL:

Retained for three years following date of submission, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Human Resources, Bureau of Engraving and Printing; 14th and C Streets, SW., Washington, DC 20228, and the Assistant Chief Financial Officer, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Individual employee, employee's supervisor and review committee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .020

SYSTEM NAME:

Industrial Truck Licensing Records—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of Engraving and Printing employees designated to operate self-propelled material and/or machinery handling equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of employee physical examination, testing, license number and issue date for purpose of operating one or more types of material handling equipment used within the Bureau of Engraving and Printing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures are not made outside the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder and Card file.

RETRIEVABILITY:

By Name.

SAFEGUARDS:

Locked file cabinet, access is limited to Office of Environment Safety and Health, and the General Stores, Receiving and Mail Section personnel.

RETENTION AND DISPOSAL:

Destroyed three years after license revocation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Environment Safety and Health, Bureau of Engraving and Printing; 14th and C Streets, SW., Washington, DC 20228, and the Manager, General Stores, Receiving and Mail Section, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Supervisor's request, results of physical examination, and data obtained during training or practical tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .021

SYSTEM NAME:

Investigative Files-Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, Separated Bureau Employees, Employee Applicants, Visitors to the Bureau, News-Media Correspondents, Contractor and Service Company Employees (Current and Separated).

CATEGORIES OF RECORDS IN THE SYSTEM:

Category: Security Files, Personnel Clearance Requests, Case Files, Bank Shortage Letters, Contractor Files, Currency Discrepancy Reports, Intelligence Files, Stamp Discrepancy Reports, Case Records, Correspondence from the Public concerning Security Matters, Security Files Reference Record, Employee Indebtedness Record, Type of Information: Character references, Police force reports, Previous employment verifications, Newspaper articles, Social Security numbers, Laboratory reports to include handwriting results and latent fingerprint examinations, Law enforcement criminal and subversive record checks, Court records, Security registers, Residency information, Reports of shortages or thefts of Bureau products including subsequent investigations, Personnel records of various types, Fingerprint card, Photograph, Names of individuals including those at contractor plants who worked on a shortage involving Bureau products, Credit checks, Background investigation reports conducted by Office of Personnel Management, Bureau of Engraving and Printing, the Internal Revenue Service and other Federal Investigative Agencies, Disciplinary action recommended and/or received, Military record forms and extracted information, List of Bureau employees granted security clearances, Processes served, *i.e.* summons, subpoenas, warrants, etc., Personnel security case numbers, dates-case opened and closed, and recommendations, Certificate of Security Clearance, Reports of violations of Bureau regulations and procedures, Bureau visitor control documents, Correspondence relating to individuals, Claims of indebtedness from firms and collection agencies and other sources,

and assorted documents, Tape-recorded testimony, Type of Information: Bureau investigation reports, Information supplied by Law Enforcement agencies, Applicant interview record, Anonymous tips concerning Bureau employees, Official investigative statements, Names of those requesting security assistance and report of the assistance rendered, other pertinent Governmental records, education records and information, Date of Birth and physical description of individual in the files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450 and implementing Treasury and Bureau Regulations and 31 U.S.C. 427.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders, 3 x 5 Index Cards, 5 x 8 Index Cards, Loose-leaf Binders, Ledgers, Recording Tape, Computer Database Programs, and Microfiche.

RETRIEVABILITY:

Numerically by case number and year, alphabetically by name and social security number, and alphabetically by Company name.

SAFEGUARDS:

Access is limited to Office of Security and Western Currency Facility Security Division personnel. Records are maintained in locked file cabinets and secured computers.

RETENTION AND DISPOSAL:

Destroyed within 90 days following notification of an employee's death, or, within five years after separation or transfer of incumbent employee; or, five years after expiration of contractual relationship. Product Discrepancy Investigative Reports and Bank Letter Investigative Reports are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Security Division personnel, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

The sources of the information are the individual concerned and information supplied by Federal, State and local investigative agencies, credit bureaus, financial institutions, court records, educational institutions, and individuals contacted concerning the person being investigated.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/BEP .027

SYSTEM NAME:

Programmable Access Security System (PASS)—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of Engraving and Printing Employees (Washington, DC. and Fort Worth, Texas); employees of the Bureau of the Public Debt (BPD) who are assigned to work at the 12th and C streets SW. Washington, DC. facility; employees of other U.S. Government agencies who have been cleared for access to the Bureau of Engraving and Printing and issued BEP Access Badges, and contractor and service company employees of the Bureau of Engraving and Printing and the Bureau of Public Debt who have been cleared for access to either bureau.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) The following information is maintained concerning all individuals who are issued BEP and BPD access badges with photographs: Photograph; Full name; Social Security number; date of birth; badge number; supervisory status, work telephone; work area number; BEP access clearance level; date BEP access level granted; date last security background investigation was completed; BEP access level; BEP access time zone; date access badge issued; date access badge voided; time, date and location of each passage through a security control point. (B) In the case of BEP and BPD employees and contractors issued "Temporary Access" badges and contractors and other issued "No Escort" badges, in lieu of his/her BEP access badge with photograph, the same information as in paragraph A (above) is kept. (C) Official visitors, contractors, and others issued "Escort Visitor" badges: No information is maintained in the BEP PASS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 321, 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) disclose information to foreign governments in accordance with formal or informal international agreements; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (8) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media and computer printouts.

RETRIEVABILITY:

Numerical by PASS/badge number, alphabetically by last name, and appropriate index by subject.

SAFEGUARDS:

Records are maintained in locked cabinets in a locked room; access is limited to Technical Security Division, Office of Security, Senior management of the Office of Security, the staff of Internal Review Division, Office of Management Control, and the Security Division personnel at the Fort Worth, Texas, facility. On-line CRT terminals are installed in a locked computer room in two (2) 24-hour manned police offices and selected Office of Security staff offices which are locked. These latter terminals are on lines that are manually activated and deactivated in the PASS computer facility. Access to these terminals is limited to Office of Security staff and contractors. Passwords further limit the extent of access to computer stored information. BEP, BPD and other U.S. Government agency managers and supervisors have access to information pertaining to their subordinates for official purposes as specified in the Record Source Categories.

RETENTION AND DISPOSAL:

Retention period is for two (2) years.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Technical Security Division, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Security Division personnel, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Fort Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

The individual concerned, his/her supervisor, or an official of the individual's firm or agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .035

SYSTEM NAME:

Tort Claims (Against the United States)—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and the Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and/or organizations making claim for money damage against the United States for injury to or loss of property or personal injury or death caused by neglect, wrongful act, or omission of a Bureau of Engraving and Printing employee while acting within the scope of his office or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains investigative and adjudication documents relative to personal injury and/or property damage claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, Title 28 U.S.C. 2672, Pub. L. 89–506.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the

request of the individual to whom the record pertains; (5) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access is limited to Office of Chief Counsel staff.

RETENTION AND DISPOSAL:

Retained three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Chief Counsel, Bureau of Engraving and Printing; 14th and C Streets, SW, Washington, DC 20228, and the Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Individual or organization's claim and/or investigative reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .038

SYSTEM NAME:

Unscheduled Absence Record—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Bureau of Engraving and Printing employees who have had unscheduled absences.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains chronological documentation of unscheduled absences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (6) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Kept in locked file cabinets; access to these records is restricted to Supervisor and authorized timekeeping personnel.

RETENTION AND DISPOSAL:

Retained for one year following separation or transfer, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Human Resources Division, Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Individual employee's time and attendance records, and his/her supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .041

SYSTEM NAME:

Record of Discrimination Complaints—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have initiated discrimination complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data developed as a result of inquiry by the person making the allegation of discrimination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information contained in the records may be used to: (1) Disclose to EEOC to adjudicate discrimination complaints; (2) disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (5) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders. Locked in combination safe.

RETRIEVABILITY:

By name and case number.

SAFEGUARDS:

Access is limited to Complainants and Equal Employment Opportunity Staff; maintained in locked combination safe.

RETENTION AND DISPOSAL:

Retained four years after resolution, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of EEO and Employee Counseling Services, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and the Bureau of Engraving and Printing, Western Currency Facility, 9000 Blue Mound Road, Ft. Worth, Texas 76131.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Individual employees who have discrimination complaints.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .045

SYSTEM NAME:

Mail Order Sales Customer Files-Treasury/BEP

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers ordering engraved prints and numismatic products from the Bureau of Engraving and Printing through the mail, and those individuals who have requested that their names be placed on the BEP mailing list.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mail order customer's names, addresses, company names, credit card numbers and expiration dates; history of customer sales; and inventory data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The purposes of the Mail Order Sales Customer Files are to: (1) Maintain information regarding customers to inform them of BEP products; (2) provide the capability to research in response to customer inquiries; and (3) transmit credit card information to financial institutions for approval or disapproval.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information from these records may be used to electronically transmit credit card information to obtain approval or disapproval from the issuing financial institution. Categories of users include personnel involved in credit card approval.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365), to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records consist of paper records maintained in file folders and in electronic media.

RETRIEVABILITY:

By customer name, order number or customer number.

SAFEGUARDS:

Access is limited to those authorized individuals who process orders, research customer orders or maintain the computer system. In addition, files and computer data are maintained in a secured area. Access to electronic records is by password.

RETENTION AND DISPOSAL:

Files on customers who have not purchased any products are kept for two years, after which they are taken out of the active system and placed in a separate storage file. This file generates two additional annual mailings after which time they are purged from the system. (Should a customer reorder after being placed on this file, they will be assigned a new customer number and placed back in the main system).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of External Relations, Bureau of Engraving and Printing, 14th and C Streets, SW., Room 107–M, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of

records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR Part 1, Subpart C, Appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

RECORDS ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORDS PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Customers, BEP employees, financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Treasury/BEP .046

SYSTEM NAME:

Automated Mutilated Currency Tracking System-Treasury/BEP

SYSTEM LOCATION:

Bureau of Engraving and Printing, 14th and C Streets, SE, Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and financial institutions sending in mutilated paper currency claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mutilated currency claimants' names, addresses, company names, amount of claims, amount paid, types of currency and condition of currency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The purpose of the Automated Mutilated Currency Tracking System is to maintain historical information and to respond to claimants' inquiries, e.g., non-receipt of reimbursement, status of case, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to: (1) Disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (4) provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (5) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (6) provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (7) provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records consist of paper records maintained in file folders and records in electronic media.

RETRIEVABILITY:

By claimant name, case number, address or registered mail number.

SAFEGUARDS:

Access is limited to those specific employees who process the mutilated currency cases, prepare payment, research inquiries or maintain the computer system. In addition, files and computer data are maintained in a secured area. Access to electronic records is by password.

RETENTION AND DISPOSAL:

Active claimant files are maintained for two years. Inactive files are maintained for seven years. After seven years, the files are purged from the system and then destroyed. (Inactive files are those for which final payments have been made.)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Currency Standards, Bureau of Engraving and Printing, 14th and C Streets, SW, Room 344A, Washington, DC 20228.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, gain access to the records, or contest the contents of any records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix F. Address inquiries to Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

RECORD ACCESS PROCEDURE:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Individuals, banking institutions and BEP employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–15575 Filed 6–20–01; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's Office of General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. They are being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretations regarding the legal matters at issue.

FOR FURTHER INFORMATION CONTACT: Susan P. Sokoll, Law Librarian, Department of Veterans Affairs (026H), 810 Vermont Ave., NW., Washington, DC 20420. (202) 273–6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's Office of General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under the laws administered by VA. The General Counsel's interpretations on

legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

VAOPGCPREC 7–2000

Question Presented: (a) Is pursuit of a degree from a foreign school for a "Medical Doctor (M.D.)" program always to be considered as evidence of pursuit of "a program of education in a course of instruction beyond the baccalaureate degree level" for purposes of 10 U.S.C. 16131(c)(1), as provided for training received prior to November 29, 1993?

(b) If not, what are the guidelines for determining whether a program of education is to be considered undergraduate training or graduate training for purposes of that section?

Held: For purposes of 10 U.S.C. 16131(c)(1), a Medical Doctor (M.D.) degree program will be considered to be a professional degree program offered at a level beyond the baccalaureate degree, except when the facts found demonstrate that the institution offering the program does not require that the candidate have been awarded a bachelor's degree to be admitted to the program.

Effective Date: June 16, 2000.

VAOPGCPREC 8–2000

Question Presented: (a) The veteran's surviving spouse seeks eligibility for dependency and indemnity compensation (DIC) under 38 U.S.C. 1304 and 38 CFR 3.54(c)(1). Where the veteran contracted a fatal disease during the first or second enlistment of three consecutive enlistments, may the date of termination of his last enlistment be considered the termination date of the enrollment in which the fatal disease was incurred?

(b) If the surviving spouse does not qualify for DIC, would the lapse of time between termination of the period of service and the date of the surviving spouse's marriage to the veteran be a bar to an award of death pension to the surviving spouse?

Held: (a) In a case where the veteran served consecutive enlistments and was discharged from each under conditions other than dishonorable, if the veteran was unconditionally discharged from the earlier enlistments at the end of the obligated periods of service, then the veteran's enlistments would be considered distinct periods of service for purposes of determining eligibility for VA compensation or pension benefits. However, if the veteran's discharges from the earlier enlistments are considered conditional discharges under 38 CFR 3.13(a), then the consecutive enlistment periods ending in discharges under conditions other than dishonorable may be considered one period of service under 38 C.F.R. 3.13(b) for purposes of determining eligibility for VA compensation or pension benefits.

(b) Under 38 U.S.C. 1541(f) and 38 C.F.R. 3.54(a), where a surviving spouse married a Vietnam-era veteran on or after May 8, 1985, was married to the veteran for less than one year, and had no child with the veteran, the surviving spouse is barred from eligibility for death pension benefits based on the marriage to the veteran, notwithstanding the veteran's wartime service.

Effective Date: July 25, 2000.

VAOPGCPREC 9–2000

Question Presented: Does the decision of the United States Court of Appeals for the Federal Circuit in *Hix and Pardue* v. *Gober,* Nos. 99–7094, –7102 (Fed. Cir. Sept. 20, 2000), require the Department of Veterans Affairs (VA) to accept evidence submitted after a veteran's death to establish, under 38 U.S.C. 1311 (a)(2), that the veteran was "entitled to receive" compensation from VA during his or her lifetime for a service-connected disability that was rated totally disabling for a continuous period of at least eight years immediately preceding death?

Held: Under 38 U.S.C. 1311 (a)(2) and 1318(b), a survivor's right to certain dependency and indemnity compensation (DIC) benefits exists if the deceased veteran was "entitled to receive" certain benefits for a specified period prior to his or her death. In a series of precedential decisions, the United States Court of Appeals for Veterans Claims (CAVC) concluded that section 1318(b) authorizes payment of DIC when evidence in the veteran's claims file or in the custody of the Department of Veterans Affairs (VA) prior to the veteran's death establishes that the veterans was "hypothetically" entitled to the specified benefits. In *Hix* v. *West,* 12 Vet. App. 138 (1999), the CAVC concluded that section 1311(a)(2) must be construed in the same manner as section 1318(b). VA appealed the decision in Hix to the United States Court of Appeals for the Federal Circuit, arguing that entitlement to DIC under section 1311(a)(2) could not be predicated on a veteran's "hypothetical" entitlement, but could exist only if the veteran's entitlement were established by decisions during the veteran's lifetime or by correction of clear and unmistakable error in decisions rendered during the veteran's lifetime. In *Hix and Pardue* v. *Gober,* Nos. 99–7094, –7102 (Fed. Cir. Sept. 20, 2000), the Federal Circuit stated: "[w]e affirm the ruling of the [CAVC] that the 'entitled to receive' provision of section 1311(a)(2) requires de novo determination of the veteran's disability, upon the entirety of the record including any new evidence presented by the surviving spouse." To the extent the Federal Circuit's decision refers to consideration of new evidence presented by the surviving spouse, it appears to conflict with statements in CAVC decisions indicating that "hypothetical" entitlement is to be determined upon the evidence that was in the veteran's claims file or in VA or the CAVC. The issue before the Federal Circuit in Hix was whether the CAVC erred in concluding that section 1311(a)(2) authorizes increased DIC in cases where the veteran's entitlement to certain benefits is merely "hypothetical." The ancillary issue of whether evidence may be submitted after a veteran's death to establish the veteran's "hypothetical" entitlement to certain benefits was not raised or argued by the parties before the Federal Circuit and the Court's isolated statement concerning that issue was not necessary to its decision on the appeal.

For these reasons, the Federal Circuit's statement in Hix concerning the consideration of new evidence is dicta, and it is not binding on VA. Thus, the Federal Circuit's decision in Hix does not require VA to accept evidence submitted after a veteran's death offered to establish, under 38 U.S.C. 1311(a)(2), that the veteran was "entitled to receive" compensation from VA during his or her lifetime for a service-connected disability that was rated totally disabling for a continuous period of at least eight years immediately preceding death.

Effective Date: December 8, 2000.

VAOPGCPREC 10–2000

Question Presented: Does the Board of Veterans' Appeals (the Board) have jurisdiction to consider an appeal by a

State home disputing a decision by the Secretary of the United States Department of Veterans Affairs (Secretary) that the State home is not eligible for per diem payments from the Department of Veterans Affairs (VA)?

Held: The Secretary's Decision that the State home does not meet VA's nursing home standards, is not recognized by VA and, therefore, is not eligible for VA per diem payments, is a decision that falls within the limitation on judicial review set forth in section 511(a). Pursuant to 38 U.S.C. 7104, the jurisdiction of the Board extends to all questions decided by the Secretary under section 511(a). Therefore, the Board has jurisdiction to consider this appeal.

Effective Date: December 14, 2000.

VAOPGCPREC 11–2000

Question Presented: Do the provisions of Pub. L. 106–475, for which that act does not specify an effective date, apply to claims filed before the date of enactment of the act but not finally decided as of that date?

Held: On November 9, 2000, the President approved the Veterans Claims Assistance Act of 2000, Public Law 106–475, 114 Stat. 2096, which made several changes to statutory provisions governing Department of Veterans Affairs (VA) benefit claims, VA's duties to inform claimants about the completion and substantiation of their claims, and VA's duties to assist claimants in obtaining evidence necessary to substantiate their claims. Among other things, the act amended 38 U.S.C. 5102, 5103, and 5107 and created new 38 U.S.C. 5100 and 5103A. Section 7(a) of the act, 114 Stat. At 2099, specifies that section 5107 as amended applies to claims filed on or after the date of the act's enactment or to claims filed before then but not finally decided as of that date. However, the act does not specify the effective date of the other provisions of title 38, United States Code, created or amended by the act. We conclude that all of the act's provisions apply to claims filed on or after November 9, 2000, as well as to claims filed before then but not finally decided as of that date.

Effective Date: November 27, 2000.

VAOPGCPREC 1–2001

Question Presented: Should a retroactive award of compensation that results from a finding of clear and unmistakable error (CUE) be retroactively attributed to the estate of a veterans for purposes of determining whether 38 U.S.C. 5503 and 38 C.F.R. 3.557 bar payment of compensation to the veteran for a prior period during which the veteran was hospitalized at government expense?

Held: Prior to a recent statutory amendment, the provisions of 38 U.S.C. 5503(b)(1)(A) and 38 C.F.R. 3.557(b) required that compensation not be paid in the case of an incompetent veteran without spouse or child who is being furnished hospital treatment or institutional or domiciliary care at government expense when the veteran's estate exceeds $1,500, until such time as the estate is reduced to $500. A retroactive award of compensation based on a finding of clear and unmistakable error in a prior decision denying service connection should not be retroactively attributed to the estate of the veteran for purposes of determining whether section 5503(b)(1)(A) and section 3.557(b) bar payment of compensation for the period subsequent to the effective date of the award of service connection and prior to the date of the veteran's release from a government facility.

Effective Date: January 4, 2001.

VAOPGCPREC 2–2001

Question Presented: May a veteran qualify for MGIB benefits under 38 U.S.C. 3011(a)(1)(B) and 38 C.F.R. 21.7020(b)(5) when the individual had an interruption of active duty service after June 30, 1985, and before July 1, 1988, which was of less than 90 days in length?

Held: (a) An individual having chapter 34 eligibility on December 31, 1989, must serve 3 continuous years on active duty after June 30, 1985, to become entitled to MGIB benefits under 38 U.S.C. 3011(a)(1)(B). Although an interruption of less than 90 days during that period would not constitute a "break in service" under 38 C.F.R. 21.7020(b)(5), it would violate the requirement that the individual have served 3 continuous years on active duty after June 30, 1985, since an interruption of any length (following a complete separation from service) would not meet the definition of "continuous active duty" under 38 C.F.R. 21.7020(b)(6).

(b) To qualify for MGIB entitlement under 38 U.S.C. 3011(a)(1)(B)(I), the individual must have served continuously on active duty from July 1, 1985, to June 30, 1988. Except as provided for certain cases of "early out" discharge covered under clause (ii) of that statute, the individual could not earn entitlement under chapter 30 based on any other period of continuous active duty service.

Effective Date: January 9, 2001.

VAOPGCPREC 3–2001

Questions Presented: (a) Who, if anyone, in the Department of Veterans Affairs (VA) other than the Secretary is authorized to move for readjudication of a finally denied claim under section 7(b) of the Veterans Claims Assistance Act of 2000?

(b) Who should first readjudicate such a claim, the entity that last adjudicated the claim or the agency of original jurisdiction?

(c) If a previously appealed claim is readjudicated under section 7(b), what must the claimant do, if anything, to appeal the decision upon readjudication?

(d) Must the Board of Veterans' Appeals vacate its prior decision on a claim that is readjudicated under section 7(b)?

Held: Under section 7(b) of the Veterans Claims Assistance Act of 2000, Public Law 106–475, § 7(b), 114 Stat. 2096, 2099, the Department of Veterans Affairs (VA), upon request of the claimant or upon the motion of the Secretary of Veterans Affairs, must readjudicate certain finally decided claims "as if the denial or dismissal had not been made." Supervisory or adjudicative personnel of VA's Veterans Benefits Administration are authorized to initiate such readjudication on behalf of the Secretary, and other VA organizational elements, such as the Board of Veterans' Appeals (Board) and the Office of General Counsel, may refer to VBA cases involving those finally decided claims. If readjudication under section 7(b) is timely initiated, the first readjudication of the claim must be made by the agency of original jurisdiction. If the claimant wishes to appeal the decision made on readjudication, he or she must file a timely notice of disagreement with the decision, even if the original decision had been appealed. The Board of Veterans' Appeals need not vacate any prior Board decision on a claim being readjudicated under section 7(b).

Effective Date: January 22, 2001.

VAOPGCPREC 4–2001

Question Presented: Do 38 C.F.R. 3.322(a) and 4.22 apply to the rating of a disability for which compensation is payable under 38 U.S.C. 1151 as if the disability were service connected?

Held: Sections 3.322(a) and 4.22 of title 38, Code of Federal Regulations, require that, in rating disabilities aggravated by service, the degree of disability existing at the time of entrance into service, if ascertainable, be deducted from the present degree of disability unless the present degree of

disability is total, in which case no deduction is made. These provisions apply to the rating of disabilities compensated under 38 U.S.C. 1151, which, before its amendment effective October 1, 1997, authorized compensation for additional disability resulting from injury or aggravation of an injury as a result of Department of Veterans Affairs hospitalization, medical or surgical treatment, examination, or pursuit of a course of vocational rehabilitation, in the same manner as if the additional disability were service connected.

Effective Date: February 2, 2001.

VAOPGCPREC 5–2001

Question Presented: (a) For claims filed after November 25, 1991, and before October 1, 1997, does 38 U.S.C. § 1151 authorize compensation for additional disability alleged to have resulted from the omission or failure by the Department of Veterans Affairs (VA) to diagnose or treat an underlying disease or injury, or does section 1151 authorize compensation only for disability resulting from an act of commission by VA?

(b) If section 1151 authorizes compensation, with respect to claims filed during that time period, based on VA's omission or failure to diagnose or treat an underlying disease or injury, what are the essential elements of such a claim that must be established in order for a claimant to prevail?

Held: (a) Under the provisions of 38 U.S.C. 1151 applicable to claims filed prior to October 1, 1997, benefits may be paid for disability or death attributable to VA's failure to diagnose and/or treat a preexisting condition when VA provides treatment or an examination. Disability or death due to a preexisting condition may be viewed as occurring "as a result of" the VA treatment or examination only if a physician exercising the degree of skill and care ordinarily required of the medical profession reasonably should have diagnosed the condition and rendered treatment which probably would have avoided the resulting disability or death.

(b) The factual elements necessary to support a claim under section 1151 based on failure to diagnose or treat a preexisting condition may vary with the facts of each case and the nature of the particular injury and cause alleged by the claimant. As a general matter, however, entitlement to benefits based on such claims would ordinarily require a determination that: (1) VA failed to diagnose and/or treat a preexisting disease or injury; (2) a physician exercising the degree of skill and care ordinarily required of the medical profession reasonably should have diagnosed the condition and rendered treatment; and (3) the veteran suffered disability or death which probably would have been avoided if proper diagnosis and treatment had been rendered.

Effective Date: February 5, 2001.

VAOPGCPREC 6–2001

Question Presented: (a) Do 38 U.S.C. 3104(a)(15) and 38 CFR § 21.160 allow for, or preclude, authorization of the construction of an enclosed studio on the rear of a veteran's home as a component of an eligible veteran's program of independent living (IL) services?

(b) If those provisions do allow for authorization of such construction, may the construction be authorized independent of, and in addition to, the benefits provided under 38 U.S.C. 1717(a)(2) and 2101?

Held: (a) The Secretary has authority to provide the particular housing improvement services claimed in this case as part of the eligible veteran's independent living services program of rehabilitation under section 3120 of chapter 31, title 38, United States Code, if the Secretary finds the services are essential to enable the veteran to achieve maximum independence in daily living. *See, also,* 38 U.S.C. 3101(4), 3104(a)(15), and 38 CFR 21.160.

(b) The Secretary, pursuant to 38 U.S.C. 3104(a)(9), has authority to provide a chapter 31 participant who is in need of the home health services described in 38 U.S.C. 1717(a)(2) with those services regardless of whether the participant has remaining eligibility therefor under section 1717(a)(2).

(c) Since the IL services claimed by the veteran in this case are not the same as the services authorized him under chapter 21 of title 38, the prohibition in section 2104 of that chapter against authorizing the latter services more than once to the same veteran has no application.

Effective Date: February 5, 2001.

VAOPGCPREC 7–2001

Question Presented: Whether a recipient of military retired or retirement pay whom VA has determined is entitled to compensation under title 38, United States Code, and who has submitted a waiver of entitlement to that pay is a payee for purposes of 38 U.S.C. 3012(b)(6) (1964) (currently 38 U.S.C. 5112(b)(6)).

Held: (a) A "payee" for purposes of 38 U.S.C. 3012(b)(6) (1964) (currently 38 U.S.C. 5112(b)(6)) is a person who is in continuous receipt of VA compensation, dependency and indemnity compensation, or pension. The effective date of an award of VA compensation to a recipient of military pay or retirement pay who has submitted a waiver of entitlement to that pay is the date upon which the service department reduces such pay.

(b) Section 3012(b)(6) of title 38, United States Code (1964) (currently 38 U.S.C. 5112(b)(6)), does not apply where there is no reduction in the amount of compensation being paid to a claimant. Therefore, if a veteran's evaluation is reduced by VA while the veteran is receiving military retired or retirement pay during the period in which a service department is processing a waiver of such pay, section 3012(b)(6) is not applicable because, at the time of the reduction, the reduction decision does not result in the veteran getting any less retired or retirement pay than the veteran had been receiving before the decision was made.

Effective Date: February 14, 2001.

VAOPGCPREC 8–2001

Question Presented: Whether a former member of the Naval Reserve who reports having been sexually assaulted on two occasions during inactive duty training and who alleges suffering from resulting post-traumatic stress disorder (PTSD) may be considered to have been disabled by an injury in determining whether the member had active service for purposes of 38 U.S.C. 101(24)?

Held: Under 38 U.S.C. 101(2) and (24), inactive duty training may provide a basis for veteran status for purposes of benefits administered by the Department only if the individual incurred disability or death from an injury incurred or aggravated in line of duty. An individual who suffers from post-traumatic stress disorder as a result of a sexual assault that occurred during inactive duty training may be considered disabled by an "injury" for purposes of section 101(2) and (24).

Effective Date: February 26, 2001.

VAOPGCPREC 9–2001

Question Presented: If an individual has multiple periods of active duty military service, but the last such period does not culminate with an "honorable" discharge, when does the individual's ten year period of eligibility to receive benefits under the Montgomery GI Bill—Active Duty end?

Held: In the basic case, an individual who is awarded an "honorable" discharge upon completion of the minimum period of active duty required for MGIB benefits entitlement under 38 U.S.C. 3011 may use those benefits within 10 years after the date of such discharge. If that individual

subsequently serves one or more additional periods of active duty (generally, of not less than 90 days), then the individual would have 10 years from the date of the individual's last discharge from active duty within which to use his or her MGIB benefits. Provision of such later delimiting period is not conditioned upon the individual's having been awarded an "honorable" discharge from his or her last period of active duty.38 U.S.C. 3031(a) and (g).

Effective Date: March 20, 2001.

VAOPGCPREC 10–2001

Questions Presented: Whether a veteran is subject to reduction of Department of Veterans Affairs (VA) compensation and pension benefits, under 38 U.S.C. 5313 and 1505, where the veteran is convicted of a crime in a foreign country, incarcerated abroad, and subsequently transferred to a penal institution of the United States to serve the remainder of the criminal sentence?

What is the effective date of reduction, under 38 U.S.C. 5313 and 1505, where a veteran is convicted of a crime in a foreign country and incarcerated abroad, then transferred to a penal institution in the United States to serve the remainder of the criminal sentence?

Held: 1. A veteran is not subject to reduction of compensation and pension benefits, under 38 U.S.C. 5313 and 1505, while incarcerated in a foreign prison. However, a veteran who is transferred to a Federal, State, or local penal institution in the United States to serve the remainder of a sentence for a foreign conviction of an offense which is equivalent to a felony (or a misdemeanor under section 1505) under the laws of the United States is thereafter subject to reduction of compensation and pension benefits under 38 U.S.C. 5313 and 1505.

2. The effective date of reduction is the sixty-first day of incarceration in a Federal, State, or local penal institution in the United States.

Effective Date: May 24, 2001.

Withdrawn Precedent Opinion

VAOPGCPREC 4–99

1. This is to inform you that our opinion in VAOPGCPREC 4–99 is being withdrawn due to the recent enactment of the Veterans Claims Assistance Act of 2000, Public Law No. 106–475, 114 Stat. 2096. Under former 38 U.S.C. 5107(a), as interpreted by the United States Court of Appeals for Veterans Claims and the United States Court of Appeals for the Federal Circuit, a claimant was required to submit "evidence sufficient to justify a belief by a fair and impartial individual that the claim is well grounded" before the Department of Veterans Affairs (VA) had any obligation to assist the claimant in developing the facts pertinent to the claim. Our opinion in VAOPGCPREC 4–99 responded to a question from the Chairman of the Board of Veterans' Appeals concerning the application of the well-grounded claim requirement to claims for compensation under 38 U.S.C. 1117 and 38 CFR 3.317 for disability due to an undiagnosed illness suffered by a veteran of the Persian Gulf War. Our opinion concluded that claimants seeking such benefits were required to submit competent evidence with respect to four factual elements in order to establish a well-grounded claim. But see *Neumann* v. *West,* 14 Vet. App. 12, 22–23 (2000) (stating a slightly different formulation of four factual elements of well-grounded claims under 38 U.S.C. 1117 and 38 CFR 3.317).

2. On November 9, 2000, the President signed into law the Veterans Claims Assistance Act of 2000. In pertinent part, this statute revised 38 U.S.C. 5107(a) by deleting the requirement that a claimant must submit a "well grounded" claim for benefits in order to obtain assistance from VA in developing the facts pertinent to the claim. This change applies to all future claims, as well as to any previously-filed claim which was not finally denied as of November 9, 2000, when the Veterans Claims Assistance Act was signed into law. Additionally, any individual whose claim was finally denied as being not "well grounded" between July 14, 1999, and November 9, 2000, may have their claim readjudicated under the new statute upon request to VA made within two years after November 9, 2000.

3. Because the Veterans Claims Assistance Act removes from 38 U.S.C. § 5107(a) the well-grounded claim requirement upon which the analysis and conclusion in VAOPGCPREC 4–99 were based, that opinion is hereby withdrawn.

Effective Date: November 28, 2000.

Dated: June 5, 2001.

By Direction of the Secretary.

Tim S. McClain,

General Counsel.

[FR Doc. 01–15653 Filed 6–20–01; 8:45 am]

BILLING CODE 8320–01–U

Federal Register

Thursday,
June 21, 2001

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Part 171, et al.

Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 175, 176, 177, 178, 179 and 180

[Docket No. RSPA–2000–7702 (HM–215D)]

RIN 2137–AD41

Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. In addition, this final rule revises the requirements for intermediate bulk containers and UN portable tanks for alignment with international requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these revisions are necessary to facilitate the transport of hazardous materials in international commerce.

DATES: *Effective Date:* The effective date of these amendments is October 1, 2001.

Voluntary Compliance Date: With the exceptions of the ICAO Technical Instructions, 2001–2002 Edition and the International Atomic Energy Agency's (IAEA) Regulations for the Safe Transport of Radioactive Material, No. TS–R–1, which are authorized for use on July 1, 2001, RSPA is authorizing immediate voluntary compliance. However, persons voluntarily complying with these regulations should be aware that petitions for reconsideration may be received and as a result of RSPA's evaluation of those petitions, the amendments adopted in this final rule could be subject to further revision.

Delayed Compliance Date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning on October 1, 2002.

Incorporation by Reference Date: The incorporation by reference of publications listed in these amendments in § 171.7 has been approved by the Director of the Federal Register as of October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, telephone (202) 366–8553, or Bob Richard, Assistant International Standards Coordinator, telephone (202) 366–0656, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On October 23, 2000, the Research and Special Programs Administration (RSPA) (hereafter, "we" and "our" means "RSPA") published a notice of proposed rulemaking (NPRM) (65 FR 63294) under Docket HM–215D. The NPRM proposed changing the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180, based on the UN Recommendations, the IMDG Code and the ICAO Technical Instructions with respect to hazard communication, classification, and packaging requirements. The intended effect of the rule was to facilitate the international transportation of hazardous materials by ensuring a basic consistency between the HMR and international regulations, while at the same time ensuring the safe transportation of hazardous materials.

On February 1, 2001, we published a final rule under Docket HM–215D (66 FR 8644) authorizing the use of the updated editions of the IMDG Code, the UN Recommendations and the UN Recommendations Manual of Tests and Criteria as proposed in the October 23, 2000 NPRM. This final rule addresses all other proposals published in the NPRM.

The UN Recommendations are not regulations, but are recommendations issued by the UN Committee of Experts on the Transport of Dangerous Goods. These recommendations are amended and updated biennially by the UN Committee of Experts. They serve as the basis for national, regional, and international modal regulations (specifically, the IMDG Code, issued by the International Maritime Organization (IMO), and the ICAO Technical Instructions, issued by the ICAO Dangerous Goods Panel). In 49 CFR 171.12, the HMR authorize hazardous materials shipments prepared in accordance with the IMDG Code if all or part of the transportation is by vessel, subject to certain conditions and limitations. In § 171.11, subject to certain conditions and limitations, the HMR authorizes the offering, acceptance and transport of hazardous materials by aircraft, in conformance with the ICAO Technical Instructions, and by motor vehicle either before or after being transported by aircraft.

On December 21, 1990, we published a final rule based on the UN Recommendations (Docket HM–181; 55 FR 52402) which comprehensively revised the Hazardous Materials Regulations (HMR), 49 CFR parts 171 to 180, for harmonization with international standards. Since publication of the 1990 final rule, we have issued three additional international harmonization final rules, (Dockets HM–215A, 59 FR 67390; HM–215B, 62 FR 24690; and HM–215C, 64 FR 10742). The rules provided additional harmonization with international air and sea transportation requirements by more fully aligning the HMR with the corresponding biennial updates of the UN Recommendations, the IMDG Code and the ICAO Technical Instructions.

The continually increasing amount of hazardous materials transported in international commerce warrants the harmonization of domestic and international requirements to the greatest extent possible. According to the American Chemistry Council, exports of chemicals totaled almost $80 billion in the year 2000, while imports totaled nearly $74 billion. Harmonization serves to facilitate international transportation and at the same time ensures the safety of people, property and the environment.

While the intent of the harmonization rulemakings is to align the HMR with international standards, we review and consider each amendment on its own merit. Each amendment is considered on the basis of the overall impact on transportation safety and the economic implications associated with its adoption into the HMR. Our goal is to harmonize without sacrificing the current HMR level of safety and without imposing undue burdens on the regulated public.

In our efforts to continue the alignment of the HMR with international requirements, this final rule makes changes to the HMR based on the eleventh revised edition of the UN Recommendations, Amendment 30 to the IMDG Code, which became effective January 1, 2001; and, the 2001–2002 ICAO Technical Instructions

which becomes effective July 1, 2001. Petitions for rulemaking pertinent to harmonization with international standards and the facilitation of international transportation are also addressed in this final rule and serve as the basis of certain amendments. Other amendments are based on feedback from the regulated industry, other DOT modal administrations and our initiative. Included are a few editorial clarifications. Certain commenters raised nonregulatory issues, issues that are beyond the scope of this rulemaking or suggested revisions that are now impractical (such as correcting the spelling of an entry that we removed). Such comments will not be addressed. Unless otherwise stated, the revisions are for harmonization with international standards.

II. Overview of Changes in This Final Rule

(See specific section for discussion of comments.)

Amendments to the HMR in this final rule include:

—Incorporation by reference of the updated ICAO Technical Instructions and addition of incorporation by reference of five current standards which include an International Atomic Energy Agency (IAEA) safety standard, three International Organization for Standardization (ISO) standards and one American Society for Testing Materials (ASTM) standard.
—Amendments to the Hazardous Materials Table (HMT) which add, revise or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo aircraft maximum quantity limitations. Proper shipping name amendments include replacing the word "inhibited" with "stabilized." Entry removals include certain domestic entries for which corresponding UN entries are currently included in the HMT.
—Revision of vessel stowage category definitions and codes for Class 1 (explosive) materials.
—Revision of shipping paper requirements for sea transport.
—Addition, removal and revision of certain entries to the List of Marine Pollutants.
—Addition, removal and revision of special provisions, including removal of current T codes and IBC bulk provisions, and addition of UN portable tank codes and IBC special packing provisions consistent with those in the UN Recommendations.
—Removal of the requirement to distinguish between primary and subsidiary risk labels and placards.
—Addition and revision to the list of organic peroxides and the list of self-reactive substances.
—Revision of the requirements pertaining to the transportation of samples.
—Revision of intermediate bulk container (IBC) requirements including amendments to the IBC commodity sections in §§ 173.240, 173.241, 173.242, 173.243 and 173.247, and addition of UN IBC packing instructions and special IBC packing provisions in part 172.
—Incorporation of the design, construction and use requirements for UN portable tanks.
—Consolidation of current portable tank maintenance, approval and use requirements.
—Inclusion of flexible grandfather provisions for the continued use of IM 101, IM 102, DOT 51, DOT 57 and DOT 60 portable tanks.
—Removal of specifications for DOT 52 and 53 portable tanks and the provisions for their continued use.
—Incorporation of a provision for the use of the "W" mark for IBCs.
—Revision of minimum thickness requirements for metal IBCs.
—Revision of several explosive packing methods to allow a broader selection of authorized packagings.
—Revision of provisions for cigarette lighters and alcoholic beverages carried aboard aircraft.
—Revision of the segregation table for hazardous materials stowed on aircraft.
—Allowance of the display of only one placard when certain explosive compatibility groups are transported together.
—Revision of lithium battery requirements.

III. Summary of Regulatory Changes by Section

Part 171

Section 171.7. We are updating the incorporation by reference for the ICAO Technical Instructions, and adding an ASTM standard, the current edition of the IAEA safety standard and three ISO standards as specified below. Amendment 30 to the IMDG Code, the eleventh revised edition of the UN Recommendations and the third revised edition of the UN Recommendations Manual of Tests and Criteria were incorporated into the HMR in a final rule under Docket HM–215D published February 1, 2001 (66 FR 8644) with a voluntary compliance date authorized as of January 1, 2001. One commenter opposed incorporation by reference of ASTM's E–112–96 Standard for Test Methods for Determining Average Grain Size," and ISO's 1496–3 "Series 1 freight containers—Specification and testing," 1996 edition; 4126–1 "Safety valves-Part 1: General Requirements," 1991 edition, and 6892 "Metallic materials—Tensile testing," 1984 edition. According to the commenter, the industry supports the use of voluntary consensus standards in commercial applications, however, because of the "frequency of change" and because industry does not adopt the standards verbatim, the commenter suggests that these standards be used as guidance. We disagree. The "National Technology Transfer and Advancement Act of 1995" directs agencies to use voluntary consensus standards. According to the Office of Management and Budget (OMB), Circular A–119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities," government agencies must use voluntary consensus standards wherever practical in the development of regulations. Agency adoption of industry standards promotes productivity and efficiency in government and industry, expands opportunities for international trade, conserves resources, improves health and safety and protects the environment. Furthermore, requirements in the industry consensus standards are not required to be applied on a mandatory basis unless specifically referenced as such. When incorporating standards in the HMR, we typically specify the specific requirements in the standard that must be met. Requirements that are not mandated in adopted standards are rarely imposed on a mandatory basis in RSPA rulemaking initiatives. On this basis, we are incorporating the standards as proposed.

For international shipments of radioactive material, we are adopting the International Atomic Energy Agency (IAEA) safety standards, "Regulations for the Safe Transport of Radioactive Material, No. TS–R–1" with restrictions for its use for the domestic portion of the transport. Additionally, we are retaining Safety Series No. 6 with the same restrictions. As explained previously, TS–R–1 is the updated edition of the current Safety Series No. 6. Under this final rule, domestic shipments remain subject to the HMR requirements which are based on Safety Series No. 6. For domestic use, a proposal to adopt some or all of the TS–

R–1 standards will be addressed under a separate rulemaking, Docket HM–230, which will provide discussion and opportunity for comment.

As discussed in the final rule under Docket HM–215D published on February 1, 2001, we received comments supporting and opposing the incorporation by reference of TS–R–1 into the HMR. We received several comments from industry supporting the incorporation of TS–R–1 including requests for expedited publication of this final rule. Shippers will be required to comply with the TS–R–1 standards for export shipments and failure to comply would result in foreign authorities refusing to accept hazardous materials shipments prepared in accordance with the HMR. Several commenters stressed the importance of a timely compliance date to allow for a reasonable period to implement the TS–R–1 standards and the ICAO Technical Instructions, which both become effective on July 1, 2001. One commenter pointed out that not only does the time element greatly inhibit the preparation of packagings when nearing the July 1, 2001 effective date, but it will also have an impact on packagings already in transit. One commenter stated that failure to adopt TS–R–1 for international shipments will result in serious health treatment implications because radioisotope pharmaceutical products that are necessary for such treatment would be frustrated in transportation.

As discussed in the February 1, 2001 final rule, we received many comments from private citizens and local citizen groups opposing the incorporation of TS–R–1. Some of these commenters also opposed the adoption of the updated editions of the IMDG Code and the ICAO Technical Instructions because both incorporate TS–R–1. (The IMDG Code was adopted in the February 1, 2001 final rule.) Most of the commenters stated that TS–R–1 lowers the level of safety for the transportation of radioactive materials and thereby poses hazards to the public, however many of these commenters did not provide any technical basis for their opposition. The comments included claims that the TS–R–1 standards for Type B packagings are "weakened." As discussed in the February 1, 2001 final rule, the commenters are incorrect. The TS–R–1 standards strengthen Type B packagings by adding immersion and crush testing to the previously required performance tests. Furthermore, the standards also add limits on the contents of Type B packaging when being transported by aircraft. Some commenters claimed that uranium hexafluoride packaging requirements are "weakened" in TS–R–1. These commenters are also incorrect. The criticality requirements for packages containing uranium hexafluoride did not change.

Many of the commenters stated that TS–R–1's revised definition of radioactive material lowers the level of safety by changing the 70Bq/g activity concentration threshold. The revised radioactive material definition will be addressed under Docket HM–230 and is not adopted in this final rule. We are adding a paragraph to §§ 171.11 and 171.12 to clarify that only the current definition of radioactive material applies. In addition, we are maintaining the current provisions in §§ 171.11 and 171.12, including the values for Type A packaging contents. Shippers using TS–R–1 under the ICAO Technical Instructions or the IMDG Code must conform to the provisions and restrictions as set forth in §§ 171.11 and 171.12, respectively.

Based on the above, the incorporation by reference materials adopted in this final rule are as follows:

—The ICAO Technical Instructions—2001–2002 edition.

—ASTM's "E 112–96 Standard for Test Methods for Determining Average Grain Size" is added to define "fine grain steel" as included in the proposed incorporation of the UN portable tank specifications in § 178.274.

—IAEA's current "Regulations for the Safe Transport of Radioactive Material, No. TS–R–1," 1996 edition is added while retaining the previous edition entitled, "Regulations for the Safe Transport of Radioactive Material, Safety Series No. 6." The TS–R–1 requirements were incorporated into the IMDG Code which became effective on a voluntary basis on January 1, 2001 and the ICAO Technical Instructions which will be effective July 1, 2001.

—Finally, we are adding three ISO standards to coincide with the incorporation of the UN portable tank requirements. The standards are as follows: "ISO 1496–3 Series 1 freight containers—Specification and testing," 199 edition; "ISO 4126–1 Safety valves–Part 1: General Requirements," 1991 edition; and, "ISO 6892 Metallic materials—Tensile testing," 1984 edition.

In the NPRM, we proposed to add IMO'S current "International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships' (INF Code). Because the IMO Maritime Safety Committee adopted the INF Code for incorporation into the 2000 edition of the IMDG Code, which we authorized under Docket HM–215D (66 FR 8644) on February 1, 2001, we are not adding the INF Code separately under § 171.7. Also see §§ 176.2 and 176.720.

Section 171.8. We are adding four new definitions to § 171.8. "Large packaging" is added to correspond with the addition of an approval provision that allows the use of large packagings which comply with requirements in the UN Recommendations (see § 178.801(i)). Large packagings are UN-marked bulk packagings which are very similar to IBCs, with the exception that they contain inner packagings. In the NPRM, we proposed to add a definition for "Liner." After reconsideration, we believe that this definition is overly restrictive because it would preclude the use of liners such as those used in portable tanks, (for example, lead or rubber liner materials), bulk bins, IBCs and other types of packagings and the proposed definition would limit liners to bags and tubes. Plastic sheeting, rotationally molded rubber lining and other types of liners that are not bags or tubes would be excluded because the proposed definition limited liners to bags and tubes. On this basis, we are not incorporating the definition for "Liner." "Stabilized" is added in conjunction with the proposal to replace the word "inhibited" with "stabilized" in proper shipping names (see § 172.101). Finally, "UN portable tank" is added in conjunction with the requirements for the design, construction and use of UN portable tanks (see §§ 178.274, 178.275, 178.276 and 178.277).

Section 171.10. To correspond with the incorporation of the UN portable tank specifications, we are adding the unit of measure for "Newton" into the Table of Conversion Factors in paragraph (c)(2).

Section 171.11. We are adding a new paragraph (d)(6)(vi) to limit the radioactive material definition to § 173.403. We are also adding a new paragraph (d)(17) to ensure conformance with the current approval provision in § 173.128(d) which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table.

Section 171.12. In the NPRM, we proposed to revise paragraph(b)(3) by adding a limitation to the use of the IMDG Code, 2000 edition that became effective January 1, 2001. The limitation which regulates certain viscous flammable liquids that are excepted from the IMDG Code was incorporated

into the HMR on February 1, 2001 (66 FR 8646). One commenter stated that we should revise paragraph (b)(5) by removing the reference to Section 26 of the General Introduction to the IMDG Code because it will become obsolete January 1, 2002 (66 FR 8645) due to the extensive reformatting. We agree and are making the revision accordingly. We are also revising the paragraph to allow for the use of IBCs and UN portable tanks intended for liquids and solids that conform to the requirements of the IMDG Code. We are adding a new paragraph (b)(19) to ensure conformance with the current approval provision in § 173.128(d), which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table. In addition, we are revising paragraph (d) to reflect the addition of the current edition of the IAEA "Regulations for the Safe Transport of Radioactive Material, No. TS–R–1," 1996 edition. (See § 171.7 for discussion concerning the addition of the updated TS–R–1 standards) to ensure that radioactive material is defined in accordance with § 173.403.

Section 171.12a. We are adding a new paragraph (b)(18) to ensure conformance with the current approval provision in § 173.128(d) which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table.

Section 171.14. We are revising paragraphs (d) and (d)(1) to authorize a delayed implementation date for the amendments adopted in the HM–215D final rule. The effective date of this final rule is October 1, 2001. However, we are authorizing immediate voluntary compliance. This authorization will allow shippers to prepare their international shipments in accordance with the new ICAO Technical Instructions, the IMDG Code and the HMR provisions. We also are authorizing a delayed mandatory compliance date of October 1, 2002 which is comparable to the transition provision provided in the final rule under Docket HM–215C. The delayed mandatory compliance date will offer sufficient time to implement the new provisions and deplete current stocks of shipping papers, labels, placards and packagings affected by the new requirements.

We are revising paragraph (d)(2) to permit intermixing of old and new (HM–215D) hazard communication requirements until October 1, 2002.

We are adding a new paragraph (d)(4) to allow the use of the T code special provisions (assigned to certain hazardous materials in Column (7) of the HMT) in effect on December 31, 2000 until January 1, 2010 for hazardous materials offered for transportation in IM, DOT Specification 51 and IMO portable tanks. This amendment is consistent with the IMDG Code grandfather provisions for portable tank requirements and will minimize any undue regulatory burden.

We are adding a new paragraph (d)(5) to allow continued display of proper shipping names with the word "inhibited" on packagings until October 1, 2005. (See § 172.101, HMT for further discussion.)

Part 172

Section 172.101. Paragraph (b)(1) is being revised for clarification of the use of the plus (+) sign. (See preamble discussion later in this section under the Hazardous Materials Table (HMT). We are revising paragraph (c)(11) for materials transported as samples which are assigned a tentative proper shipping name, hazard class, identification number and packing group. We are adding provisions based on the eleventh revised edition of the UN Recommendations to include requiring the word "SAMPLE" to appear in the proper shipping name, requiring a combination packaging, limiting the packaging size to 2.5 kg and allowing an exception from including the technical name when the constituents are not known. We also are adding a new paragraph (c)(16) to allow for the inclusion of the qualifying words "liquid," "solid" or "molten," as applicable, to a proper shipping name.

We received several comments concerning our proposal to revise hazardous materials transported as samples. Some commenters stated that prohibiting samples from being packed together with other hazardous materials would be overly restrictive and impose an undue burden. Commenters presented examples to demonstrate their argument, including one scenario in which a hazardous material is transported on dry ice. Our intention for revising this paragraph is to prevent the dangerous mixing of materials as prohibited in § 173.24 and to prevent the production of a mixture that would result in violation of § 173.21. Because the HMR requires samples to meet the requirements in §§ 173.21, 173.24, 173.24a and 173.24b, we agree that it is not necessary to prohibit samples from being shipped in the same packaging with other hazardous materials and are revising the paragraph accordingly. We are also removing proposed paragraph (c)(11)(i) in response to commenters' objections to the proposal prohibiting an explosive, infectious substance or radioactive material from being shipped as a sample. Provisions for transporting samples of such materials are currently authorized in the HMR and we agree that incorporation of the proposed paragraph (c)(11)(i) would be contrary to the current provisions. It was not our intention to remove the authorization to transport these materials as samples. As a result of these changes, certain proposed paragraphs are renumbered.

One commenter requested that the word "SAMPLE" be allowed to be shown on the shipping paper in association with the basic description. That is our intent, and although we proposed to require the word "SAMPLE" to appear in association with the basic description in the NPRM's preamble, the regulatory text wording required the "SAMPLE" to be shown before the basic description. The commenter is correct and we are revising the regulatory text accordingly.

One commenter requested that we change the term "hazardous waste" to "waste" because in accordance with § 171.8 the term "hazardous waste" applies only to those materials subject to the EPA manifest requirements under 40 CFR part 262. The commenter is concerned that generators of waste not subject to the EPA manifest requirements would be restricted from transporting their materials as samples. The commenter is incorrect by misapplying the use of the term "generators of waste" and "hazardous waste." Under the CFR, the term "hazardous waste" does not apply to hazardous materials that are not subject to the EPA manifest requirements. Such materials are considered "a sample of material" in the context of paragraph (c)(11) and are not considered "waste" under the 49 CFR.

Finally, based on comments recommending various revisions to clarify the intent of the paragraph (c)(11), we made certain editorial amendments, including clarifying that technical descriptions do not apply when the primary constituents for which the tentative classification is based are not known.

In paragraph (k) for vessel stowage requirements in Column (10) of the HMT, we are adding new paragraphs (k)(6) through (k)(20) to include the IMDG Code vessel stowage category definitions for Class 1 (explosive) materials. This action is consistent with the new stowage categories and terminology contained in Amendment 30 of the IMDG Code. (Also see

preamble discussion under "The Hazardous Materials Table" and § 176.63.)

The Hazardous Materials Table (HMT). Amendments to the HMT include the following:

—Several commenters noted minor editorial errors in the HMT and we made the appropriate changes to correct these entries.

—For the entries, "Other regulated substances, liquid, n.o.s." and "Other regulated substances, solid, n.o.s.," we are adding the letter "G" to Column (1). The letter "G," which denotes the n.o.s. and generic proper shipping names which are required to be supplemented with the technical names of the hazardous material (in parentheses and in association with the basic description), was inadvertently omitted in Docket HM–215C (64 FR 10742).

One commenter requested that we allow marine pollutants to alternatively be described using the proper shipping names "Other regulated substances, liquid, n.o.s." or "Other regulated substances, solid, n.o.s," as appropriate. We are not adopting this requested amendment because the shipping names "Environmentally hazardous substances, liquid, n.o.s." and "Environmentally hazardous substances, solid, n.o.s" more accurately describe marine pollutants as posing an environmental risk and are, therefore, more appropriate proper shipping names as required by the HMR.

—We are adding the following new entries: "Nitroglycerin mixture, desensitized, liquid, n.o.s. *with not more than 30% nitroglycerin by mass*," UN3357; "Propellant, solid," UN0501; "Refrigerating machines *containing flammable, non-toxic, liquefied gas*," UN3358; "Rockets *with inert head*," UN0502; and "1H–Tetrazole," UN0504.

—We are revising the entry, "Dangerous Goods in Machinery *or* Dangerous Goods in Apparatus" by replacing the identification number NA8001 with UN3363, designating a Class 9 assignment and revising Special Provision 136 (see § 172.102). These changes reflect the adoption of the entry by the UN Committee of Experts and amendments agreed to by the ICAO Dangerous Goods Panel. The entry was added to the HMT under Docket HM–215C as NA8001 and assigned Special Provision 136 to prescribe the appropriate hazard class assignment. As explained in HM–215C, the entry was adopted in the ICAO Technical Instructions to provide an exception from the UN packaging performance tests for equipment, machinery or apparatus containing small quantities of hazardous materials. For machinery or apparatus not specifically listed in the HMT, the entry provides a practical means of describing and transporting machinery or apparatus containing small quantities of hazardous materials. In HM–215C, we stated that upon the assignment of a UN identification number, we would revise the entry accordingly. This was accomplished in the eleventh revised edition of the UN Recommendations in which UN3363 was assigned and this entry was assigned to Class 9. The ICAO Technical Instructions were amended consistent with this UN decision. Therefore, based on the above discussion, we are revising the entry, "Dangerous Goods in Machinery *or* Dangerous Goods in Apparatus" by assigning it to Class 9, replacing the domestic identification number with an international identification number, and revising Special Provision 136.

—We are adding the entry "Air bag inflators, *pyrotechnic or* Air bag modules, pyrotechnic *or* seat-belt pretensioners, *pyrotechnic*," UN0503 for air bags that are classified as Division 1.4G. We inadvertently omitted this entry in the NPRM. While we are not considering changing our policy or procedures for the classification of air bags as articles of Class 9, on the basis of the UN Manual of Tests and Criteria, 6c test, we believe that other competent authorities may assign a classification of 1.4G for some air bags. Incorporation of this entry is necessary to preclude the potential for frustrated shipments, the need to re-mark certain packagings or to change shipping papers for these air bags, when they are classified as 1.4G by other competent authorities and are being transported to or from the United States.

—We are revising all proper shipping names containing the word "inhibited" by replacing "inhibited" with the word "stabilized." (Also, see the added definition for "stabilized" in § 171.8.) One commenter opposed the proposal to replace the word "inhibited" with "stabilized" and suggested that, instead, we clarify that monomers can be properly inhibited through means other than the addition of an inhibitor. The commenter stated that the words "inhibited" and "stabilized" have the same meaning for the purpose of transportation and expressed concern that we do not understand the distinction between the two words. The commenter also requested that we add several generic n.o.s. entries that include the word "inhibited" in the proper shipping names. We are not convinced of the merits of either request. The word "stabilized" introduces internationally accepted and standardized hazard communication wording and conveys that the addition of a stabilizing compound *or* other means of stabilization such as temperature control measures, have been implemented to prevent an unwanted reaction of a hazardous material. The word "stabilized" conveys a broader meaning of inhibiting uncontrolled reaction of a hazardous material (see § 171.8) by different methods. The continued use of the word "inhibited" would lead to a dual system of hazard communication that would be burdensome to shippers and carriers. In addition, the word "stabilized" is more adequately descriptive from the emergency responders' perspective. Adopting the word "stabilized" will also alleviate the necessity of issuing numerous exemptions for the variety of methods or combination of methods used to inhibit uncontrolled reactions without the use of inhibiting chemicals. Based on these reasons, we are adopting the amendment as proposed.

One commenter requested that we extend the proposed transition period for this amendment to provide sufficient relief from remarking all affected bulk packagings. The commenter stated that an extended transition period would allow the remarking to be accomplished during routine maintenance and periodic inspection cycles. In the NPRM, we proposed a transition period until October, 2002. We agree that a longer transition period for domestic transportation would help relieve any undue burden associated with this amendment without having a significant impact on safety. We are including a transitional provision in § 171.14 to allow the use of the word "inhibited" to be shown on packagings until October 1, 2005.

The allowance of additional means of stabilization and the removal of certain domestic entries from the HMT (see domestic entry removals later in this section) also addresses a petition for rulemaking (P–1304) requesting that we add a new domestic entry, "Methyl methacrylate monomer, uninhibited," Class 3, NA1247, PG II to the HMT. As we stated, with respect to the request that we add generic n.o.s. entries that include the word "inhibited," such an

action would also be contrary to the intent of global harmonization and would be beyond the scope of this rule. We are not adopting the request. Commenters having an interest in developing generic names for inclusion into the UN Recommendations should provide more specific information and examples of materials that require stabilization and are not covered by existing entries.

—We are revising the following proper shipping names: "Lithium hypochlorite, dry *or* Lithium hypochlorite mixtures, dry," UN1471; "Printing ink, flammable," UN1210; and "Nitrocellulose membrane filters," UN3270.

—For the entry, "Methacrylic acid, stabilized," UN2531, we are replacing Packing Group III with Packing Group II.

—We are removing various domestic entries that have "NA" identification number assignments. As discussed in the NPRM, after reviewing the domestic entries, we determined that the HMR includes "UN" identification numbers assigned to entries that are equally appropriate in a number of instances, and in these instances the NA numbers are no longer necessary. In the NPRM, the revision of "Diesel fuel" with the identification number NA1883 was a printing error which we are correcting in this final rule. "Diesel fuel," NA1993 is retained and we are adding "Diesel fuel, UN1202." This amendment will allow flexibility of choice in the use of proper shipping names for domestic transportation. In addition, for the convenience of the HMT users, we are separating the entry "Gas oil *or* Diesel fuel *or* Heating oil, light" by giving each name a separate line entry in appropriate alphabetical order. In response to comments requesting that we reconsider the proposed removal of "Gasohol," we are not removing the entry from the HMT.

One commenter recommended that we provide T codes and IBC codes (see § 172.102, Special Provisions) for the entry "Combustible liquid, n.o.s.," NA 1993. We agree with the commenter and are adding portable tank instruction T1, portable tank Special Provision TP1 and IBC code IB3. However, we did not assign IB6 to this entry, as requested by the commenter, because § 173.150(f) currently allows for the use of non-specification bulk packagings.

Included in the proposed removals are seven domestic pesticide proper shipping names identified by the pesticide industry as no longer being used. These entries are: "Aldrin, *liquid*," NA2762; "Aldrin, *solid*," NA2761; "Dieldrin," NA2761; "Methyl parathion *liquid*," NA3018; "Methyl parathion *solid*, NA2783; "Parathion," NA2783 and "Tetraethyl pyrophosphate *solid*," NA3018.

—We are adding radioactive material (Class 7) entries consistent with new entries introduced in the UN Recommendations and IAEA's "Regulations for the Safe Transport of Radioactive Material, No. TS–R–1." In addition, we are revising the current radioactive material entries in the HMR to indicate that these entries may be used for domestic shipments, but may be inappropriate for international transportation.

—For Class 1 (explosive) entries, we are revising Columns (10A) and (10B) to reflect the vessel stowage codes as they are presented in Amendment 30 to the IMDG Code. (See § 172.101(k) and § 176.63.)

—For the international entry "Methanol," we proposed adding a plus sign (+) in Column (1) of the HMT to indicate that this entry is classified with a subsidiary hazard of Class 6.1 on the basis of human experience consistent with the UN Recommendations. One commenter objected to this proposal by stating that the action would unnecessarily restrict the shipment of dilute solutions of methanol. The commenter presented diluted methanol meeting the criteria for PG III as an example. In previous preamble discussions (see HM–215C Final Rule—**Federal Register:** March 5, 1999 (Volume 64, Number 43)) we indicated that a mixture or solution containing a hazardous material where the hazard is significantly different from that of the pure material should be evaluated on the basis of classification criteria. If such a mixture or solution does not meet the corresponding hazard class, a different proper shipping name may be used. Our position remains that when a mixture or solution of a material that is assigned a plus sign in column 1 of the HMT, no longer exhibits a hazard to humans, the material need not be described using a proper shipping name with a plus sign assignment. We recognize the need to clarify the intent of the plus sign in paragraph (b)(1). We are adding a sentence to paragraph (b)(1) to clarify the applicable requirements when the plus (+) sign is assigned to a proper shipping name.

—We are removing the entry "Isobutyric anhydride," UN2530.

—For the entry "Morpholine," UN2054, we are replacing Class 3 with Class 8, replacing Packing Group III with Packing Group I , and adding Class 3 as the subsidiary hazard.

—For "Organic peroxide type F, solid, temperature controlled," (UN3120), we are removing the Packing Group III entry that was due to a printing error in 49 CFR. The PG II entry remains.

—For approximately 14 Zone A and B toxic-by-inhalation entries, we are revising the quantity limits for transport by air to "forbidden." These revisions are consistent with other toxic-by-inhalation entries in the HMT and with the requirements of the ICAO Technical Instructions.

—For the entry "Fire extinguishers *containing compressed or liquefied gas*" we are adding Special Provision 110 to Column (7).

—We received a comment stating that our proposal to add Special Provisions 128 and B115 to the entry, "Magnesium granules, coated, *particle size not less than 149 microns*," UN2950 (PG III only) was not reflected in the HMT and should also apply to "Water-reactive solid, n.o.s," UN2813. After re-evaluation, we do not consider that it is appropriate to apply Special Provision 128 to "Magnesium granules, coated," UN2950, because we are not convinced that these materials pose a Class 8 risk. As explained in the NPRM, this action is based on a petition for rulemaking (P–1338) that we received from the Aluminum Company of America (Alcoa). Special Provision 128 allows material meeting the Class 8 definition to be classed as a Division 4.3 with a Class 8 subsidiary hazard. Special Provision B115 authorizes the use of certain non-specification sift-proof bulk packagings when the material is loaded dry, precautions are taken to prevent liquid from reaching the hazardous materials and the bulk packagings are appropriately vented. However, UN2950 is assigned to bulk packaging § 173.240 which already allows non-specification bulk packagings and, therefore, we are not applying Special Provision 128 or B115 to UN2950 in this final rule. In response to the comment that Special Provisions 128 and B115 should apply to "Water-reactive solid, n.o.s." UN2813, we note that exemption DOT E–11602 only applies to one specific material containing magnesium or magnesium nitrides that is described using a technical name in association with "Water reactive solid, n.o.s." We do not agree that broad application of Special Provisions 128 and B115 to all

PG II or III water-reactive solids is appropriate or necessary.

—We received a comment stating that we did not include IBC and portable tank assignments for the PG II entry for "Extracts, flavoring, liquid," UN1197. The oversight is corrected in this final rule.

—Several commenters noted minor editorial errors in the HMT and we made the changes as appropriate.

—For approximately 1,600 entries, we are revising Column (7) by harmonizing the HMR authorizations for IBCs with those contained in the UN Recommendations. As dicussed in the NPRM, in most cases the UN Recommendations provide for greater flexibility in the use of different types of IBCs. However, for certain hazardous materials, the incorporation of the UN IBC requirements further restricts the types of IBCs that were authorized prior to this final rule for certain hazardous materials. For example, some Packing Group II liquid hazardous materials of Class 3, Division 6.1 and Class 8 that were previously authorized to be transported in composite IBCs with flexible inner receptacles (such as 31HZ2) are no longer authorized. For the benefit of the reader and to facilitate a review of the proposed amendments, in the NPRM, we included a table identifying all of the affected hazardous materials and indicated the current bulk assignments and the proposed IBC assignments.

The IBC packaging requirements are included in a newly-created IBC Table under the Special Provisions section in § 172.102(c)(4). The table consists of IBC Codes (using the designations IB1–IB99) corresponding to the UN IBC packing instructions, and BB Codes corresponding to the UN IBC special packing provisions. We assigned the IBC packing instructions and the BB codes to specific hazardous materials in Column (7) of the § 172.101 HMT consistent with assignments in the UN Recommendations. In addition, we believe that consolidating the IBC requirements into one table makes it easier for readers to identify the authorized IBCs for specific hazardous materials. As a result of this amendment, we are revising the bulk special provisions in § 172.102(c)(3) to remove the previously authorized bulk codes relevant to the use of IBCs. We are also revising the current IBC packaging authorizations under §§ 173.240(d), 173.241(d), 173.242(d) and 173.243(d).

This revision also addresses a petition we received from the Rigid Intermediate Bulk Container Association (RIBCA) (P–1395) requesting that we amend the HMR to expand the use of IBCs consistent with new UN provisions. Specifically, the petitioner requested that we allow the use of rigid plastic IBCs and composite IBCs with a rigid plastic inner receptacle for certain liquids. We agree with RIBCA's request, however, as discussed in the NPRM, in the interest of harmonization, we believe it is more beneficial to adopt the UN Recommendations' IBC packing instructions in totality, and, as such, are amending the HMR accordingly.

One commenter stated that under the new IBC packing instructions, sodium cyanide and potassium cyanide would no longer be permitted in fiberboard or flexible IBCs. The commenter states that they are currently shipped this way according to B69. Although the UN Recommendations do not allow these types of IBCs for such materials, we are maintaining authorization for the use of fiberboard IBCs in domestic transportation. We will pursue the amendment to IB7 to allow the use of fiberboard (11G) IBCs through a proposal to the UN Transport Committee. However, we do not agree that flexible IBCs should be authorized for these hazardous materials.

The commenter also stated that large packagings should be authorized for sodium cyanide and potassium cyanide. Assignment of large packaging authorizations to specific substances is beyond the scope of this final rule. Currently, the UN Recommendations do not authorize large packagings for these substances. Large packagings are limited primarily to Packing Group III hazardous materials in the UN Recommendations. We plan to work through the UN Transport Subcommittee to address the commenter's concerns and depending on the outcome, we will address this issue in a future rulemaking.

Appendix B to § 172.101. In Appendix B to 172.101, List of Marine Pollutants, we are revising paragraph "1" by referencing § 171.4, which contains the applicability and exceptions for offering for transportation or transporting marine pollutants. We are revising paragraph "2" to reflect the IMDG Code's provision for the use of two Class 9 proper shipping names when a marine pollutant is not listed by name in the HMT and does not meet the definitions of Class 1 through 8. In addition, a number of materials are added, removed or amended in the List of Marine Pollutants. The entry "EPTC (ISO)" is removed. The entry was also the subject of a petition for rulemaking (P–1360) requesting removal of the entry based on its removal from the IMDG Code. Various other entries no longer identified as marine pollutants are also removed. Consistent with the proper shipping name revisions to replace the word "inhibited" with "stabilized," we are making the change to five entries in the List of Marine Pollutants. All of the amendments to the List of Marine Pollutants are consistent with the marine pollutants provided in Amendment 30 of the IMDG Code. (Also see § 172.101, HMT for comment on use of proper shipping names for certain marine pollutants.)

One commenter stated that the proposal to remove the entry "Dichlorobenzenes (meta, ortho and para)" from Appendix B and replace it with the entry "Dichlorobenzene (para)" will result in an inappropriate listing of entries in Appendix B of the HMT for dichlorobenzene isomers. The commenter stated that the changes in Amendment 30 of the IMDG Code only delist "1,2 Dichlorobenzene (ortho)" as a marine pollutant and that the appropriate dichlorobenzene entry, in addition to existing "1,3 Dichlorobenzene," and "1,4 Dichlorobenzene," should be "Dichlorobenzene (meta; para)." We agree with the commenter and are revising the entry accordingly.

Section 172.102. We are revising, adding and removing special provisions as follows:

—Special Provision 43 is revised to include a provision which excepts "Nitrocellulose membrane filters," UN3270 from the HMR requirements if shown not to meet the criteria for a Division 4.1 hazardous material, according to burn rate tests in Subsection 33.2.1. of the UN Manual of Tests and Criteria, Part III.

—Special Provision 110 is revised to more fully identify fire extinguishers that may be assigned to certain proper shipping names. The revision also provides for harmonization with the ICAO Technical Instructions. (We also are adding the special provision to the entry, "Fire extinguishers *containing compressed or liquefied gas.*" See § 172.101 HMT amendments.)

—Special Provision 128 is revised based on the amendment to assign it to "Magnesium granules, coated, *particle size not less than 149 microns.*" (See § 172.101 HMT changes.)

—Special Provision 136 is revised to reflect the changes adopted by the UN Committee of Experts and the ICAO Dangerous Goods Panel for the entry "Dangerous Goods in Machinery *or* Dangerous Goods in Apparatus." (Also see § 172.101 HMT changes.)

We are revising the special provision by removing the text specific to the determination of the hazard class based on the UN Committee of Experts' decision that items under this entry should be assigned to Class 9.

—A new Special Provision 139 is added for two new entries, "Radioactive material, transported under special arrangement, fissile" and "Radioactive material, transported under special arrangement *non-fissile or fissile-excepted.*" The special provision requires international shipments using the two entries to be made under an IAEA Certificate of Competent Authority to be issued by the U.S. Competent Authority. Domestic shipments transported under the two entries would be allowed only under a DOT exemption.

—A new Special Provision 142 is assigned for the new entry "Nitroglycerin mixture, desensitized, liquid, n.o.s." The special provision requires the material to be approved by the Associate Administrator.

—A new Special Provision 143 is added for the entry "Life-saving appliances, not self-inflating, *containing dangerous goods as equipment.*" The special provision clarifies which articles may be transported under this entry.

—A new Special Provision A53 is added for the entry "Refrigerating machines," UN2857 and contains the exceptions from the HMR for certain refrigerating machines. The exceptions are currently in § 173.307.

—In conjunction with the amendment to revise and consolidate the IBC requirements (see § 172.101, Column (7) changes), we are adopting the following changes: revising the special provisions for bulk packagings in paragraph (c)(3) to exclude IBCs by revising Special Provisions B53 and B69 and removing Special Provisions B100, B101, B103 through B106 and B108 through B110, adding a new paragraph (c)(4) for special provisions specific to IBCs (IP Codes). IP codes are used to describe the IBC packing instructions. We redesignated the term "BB" Codes, as named in the NPRM, to "IP" Codes in this final rule in order to make it easier for the HMR user to locate the Special Provisions. By redesignating the "BB" Codes, the IB the IP Codes will be listed together in alphabetical order in § 172.102.

—The current T codes in paragraph (c)(7) are revised to reflect the incorporation of requirements for UN portable tanks and apply to hazardous materials of Classes 2 through 9. The revised T codes are consistent with those in the UN Recommendations and the IMDG Code and supersede the current HMR IM portable tank T codes. The T code provisions are required in addition to the requirements in part 178. The codes specify the types of authorized portable tanks according to the specific hazardous material transported in the portable tank. Portable tank assignments for Zone A and Zone B toxic-by-inhalation liquids remain consistent with their current assignments in the HMR. In instances where the UN requires a competent authority approval for transportation in portable tanks (such as when TP9 is assigned in the UN Recommendations), we have removed the approval provision. A transition period is provided for the continued use of the existing T codes for IM and DOT 51 portable tanks (see § 171.14(d)(5)).

One commenter stated that we did not provide for filling limits for portable tanks used to transport refrigerated liquefied gases. To correct this oversight, we are including filling limits that are similar to those applicable to cryogenic cargo tanks authorized under the HMR to transport refrigerated liquified gases. The filling limits will be contained in new Special Provision TP5 which was previously reserved. TP5 is assigned to all refrigerated liquified gases with a tank code T75 assignment.

A commenter stated that fittings were not defined for TP22 which states that lubricants for portable tank fittings must be oxygen compatible. We do not believe that it is necessary to define "fittings" other than to require that they must be oxygen compatible. Our basic intent is that no incompatible materials or lubricants be used on fittings such as fasteners, valves, gauges, pipe thread or other fittings that may come into contact with the oxygen and cause an unsafe condition in transport.

— We are removing proposed TP47 because it is not currently necessary. It is not assigned to any entries and the present requirements are addressed in the applicable packaging sections.

— In paragraph (c)(7)(iv), we are adding definitions for "small," bare," "sunshield" and "insulated" as they apply to T50.

—A new Special Provision W7 is added for seven new Class 7 entries and assigned the vessel stowage category "D," as defined in § 172.101(k)(4), to uranyl nitrate hexahydrate solution.

— A new Special Provision W8 is added for four new Class 7 entries and assigned the vessel stowage category "D," as defined in § 172.101(k)(4), to pyrophoric thorium metal or pyrophoric uranium metal.

— Finally, a new Special Provision W9 is added for assignment to the entries, "Calcium hypochlorite, dry or Calcium hypochlorite mixtures dry *with more than 39 percent available chlorine (8.8 percent available oxygen,*" UN1748; "Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures *with not less than 5.5 percent but not more than 10 percent water,*" UN2880; and "Calcium hypochlorite mixtures, dry, *with more than 10 percent but not more than 39 percent available chlorine.*" UN2208. This action aligns the packaging requirements for these entries with those contained in Amendment 30 to the IMDG Code by authorizing certain packagings only when approved by the Associate Administrator.

Section 172.202. We are revising paragraph (a)(4) based on a comment requesting that we eliminate the shipping paper requirement for inclusion of the packing group (PG II) for Class 1 (explosives) because the requirement conflicts with the UN Recommendations, the ICAO Technical Instructions and the IMDG Code, all of which do not require the inclusion of PG II on shipping papers. We agree with the commenter. The packing group does not indicate the degree of risk for explosives and does not aid emergency responders and we are providing an exception from this requirement. Based on the same reasoning, we are including in paragraph (a)(4) an exception from the packing group notation for organic peroxides and self-reactive materials.

Section 172.203. We are revising paragraphs(d)(11), (i) and (n). In paragraph (d)(11), we are allowing an exception from the requirement to add the appropriate group notation to the shipping description for a shipment of low specific activity material or surface contaminated objects provided the group notation is contained in the proper shipping name. Based on a commenter's request for clarification, we are making editorial revisions to this paragraph to improve the clarity of the additional description requirements applicable to low specific activity (LSA) materials and surface contaminated objects (SCO). We are changing the wording "unless these symbols are" to "unless the group notation is," and adding the wording "as described in the § 172.101 Hazardous Materials Table" after the wording "proper shipping name."

In paragraph (i), we are adding two shipping paper description requirements for transportation by vessel. The first amendment is added as new paragraph (i)(5) and requires the flash point for a liquid hazardous material with a flash point of 61 °C or below to be included on shipping papers when transported by water.

One commenter objected to the proposed requirement that for materials having a flash point of 61 °C or less (closed cup c.c.), the flash point must be included on shipping papers. The commenter questioned the value of this requirement. We submit that knowledge of the flash point of a material is a requirement for vessel operators under the requirements of SOLAS Chapter II–2, Regulation 54. The SOLAS requirement imposes cargo hold, electrical, ventilation, fire protection and bilge pump requirements on hazard classes 3, 6.1 and 8, having a flash point of 61 °C or less. In order to ensure that vessel operators have this information, the IMDG Code requires a shipper to include the flash point of such materials on shipping papers. Although for most hazardous materials this information may be derived from the classification and packing group, for some hazardous materials this is not possible. To ensure that the flash point information is readily available, and to harmonize the HMR with the IMDG Code, we are adopting the requirement as proposed.

As discussed in the NPRM, we received a petition (P–1402) from the Vessel Operators Hazardous Materials Association (VOHMA) requesting that we add an additional shipping paper description requirement to include the minimum flash point in degrees Celsius for Class 3 (flammable) or combustible liquid hazardous materials. VOHMA stated that the amendment would help support compliance with the current stowage requirements in § 176.305(c) and the segregation requirements (Code 22 and 23, see § 176.84) as designated in Column (10B) of the § 172.101 Hazardous Materials Table. We agree with the petitioner's reasoning, however, for consistency with the IMDG Code, we are adding the requirement to specify the flash point when it is 61 °C or below for all such liquid hazardous materials whether or not the primary hazard is Class 3. The second amendment to the shipping paper description requirements for transportation by vessel is added as new paragraph (i)(6) and is based on comments from the USCG regarding further harmonization with the IMDG Code. The amendment requires subsidiary risks of a hazardous material that are not reflected in the proper shipping name to be included on shipping papers.

In paragraph (n), we are clarfiying that the shipping paper requirement for the word "HOT" to be placed immediately preceding the proper shipping names of hazardous materials that are transported as elevated temperature materials, is not required for proper shipping names containing the words "Molten" or "Elevated temperature."

Section 172.330. Consistent with the proper shipping name revisions that replace the word "inhibited" with "stabilized" (see § 172.101), we are revising three such proper shipping names in paragraph (a)(1)(ii).

Sections 172.402, 172.405 and 172.411. We received several comments concerning the proposal to remove the requirement to differentiate between primary and subsidiary labels. One commenter opposed the requirement with no elaboration. A second commenter stated that it would lower the level of safety. A third commenter opposed the adoption of the requirement stating that as an emergency responder, vital information necessary to respond to an incident would be lost. We disagree with this commenter. When a hazardous material has two or more hazards, each hazard must be considered in determining the appropriate response to an incident. The commenter also pointed out that the subsidiary risk is not required on shipping papers which would be another method for emergency responders to obtain the information. Under a separate rulemaking and consistent with the 12th edition of the UN Recommendations, we plan to propose a requirement to identify the subsidiary risks on shipping papers for all modes. In addition, for vessel only, we are adopting a requirement in this final rule for mandatory notation of subsidiary hazards on shipping papers, unless the subsidiary hazard is reflected in the proper shipping name. Consistent with the eleventh revised edition of the UN Recommendations, we are removing the requirement to differentiate between primary and subsidiary labels. Prior to this final rule, primary labels were required to display the hazard class or division number in the lower corner of the label, while subsidiary labels could not display these numbers. We believe the display of the hazard class and division on all labels will enhance safety and hazard communication. We are amending the requirement which provides for two label specifications (one for primary hazards and one for subsidiary hazards) by removing the subsidiary hazard label specification. This change also provides relief by eliminating the need for shippers to stock two sets of labels.

Another commenter stated that the proposed 5 year transition period for continued use of subsidiary risk label requirements in effect prior to this final rule, is too lengthy and could cause problems in domestic transportation for multimodal shipments. The commenter stated that the proposed transition period is not necessary because the ICAO Technical Instructions and the IMDG Code have much shorter transition periods in place, and that it seems unlikely that shippers would stock 5 year supplies of subsidiary risk labels. Based on feedback from industry, we believe that a 5 year transition period is warranted to allow sufficient time for filled packagings that are pre-labeled to complete their cycle out of transportation. We are not convinced that the 5 year transition period will cause problems in domestic transportation. Also, based on feedback from industry, we maintain that many shippers stock 5 year supplies of subsidiary risk labels. Therefore, in order to provide a reasonable transition period, we are allowing labels meeting the label specifications in place prior to this final rule to continue to be displayed until October 1, 2005, at which time labels used to convey both primary and subsidiary hazards must display the appropriate hazard class or division number at the bottom of the label. (See § 171.14 for transition provisions.) The same amendment also applies to placards (see § 172.519).

Section 172.502. In paragraph (b), we are correcting an error that was published in the February 1, 2001 final rule under Docket HM–215D. Based on a request from the **Federal Register**, we added a reference to "see § 171.7." During the typesetting process, the ICAO Technical Instructions were mistakenly added and the TDG Regulations were mistakenly omitted. We are correcting this error by removing the ICAO Technical Instructions and reinstating the TDG Regulations.

Section 172.504. Based on comments and our own initiative, we are revising paragraph (g) by allowing the display of only one placard bearing one compatibility letter when certain Class 1 materials (explosives) of different compatibility groups are transported together in a single transport vehicle or container. This amendment is consistent with the mixed packaging provisions in § 173.61.

Section 172.519. Consistent with the amendment to eliminate the distinction between primary and subsidiary labels, we are revising paragraph (b)(4) to eliminate the requirement to distinguish

between primary and subsidiary placards. In addition, we are incorporating a new paragraph (b)(4)(i) to permit subsidiary placards meeting the current placarding specifications (such as placards without the hazard class or division number displayed in the lower corner of the placard) to continue to be displayed in domestic transportation provided they were permanently affixed before October 1, 2001. Non-permanently affixed subsidiary placards meeting the current placarding specifications are allowed to be displayed until October 1, 2005. (See § 171.14 for transition provisions.)

Part 173

Section 173.2a. Consistent with the eleventh revised edition of the UN Recommendations, in the paragraph (b) Precedence of Hazard Table, we are revising Footnote 2 to exclude liquid and solid desensitized explosives. In addition, we are adding the revised Footnote 2 to Class 3, PG I, II and III in the paragraph (b) Precedence of Hazard Table.

Section 173.4. Based on a request for clarification, we are revising paragraph (a) to clarify that the small quantity exceptions apply to packagings containing articles, as well as inner receptacles.

Section 173.24b. We are adding a new paragraph (e) to address acceptance of foreign manufactured UN portable tanks that conform to the applicable provisions in the UN Recommendations on the Transport of Dangerous Goods and are manufactured in countries that provide reciprocal treatment for UN portable tanks manufactured in the United States.

Section 173.29. One commenter requested that two petitions for rulemaking be addressed in this final rule. The petitions request that IBCs meeting the Environmental Protection Agency's empty container rule in 40 CFR 261.7 be allowed to be transported without vehicle placarding and shipping papers. We are not addressing this issue under HM–215D because it is beyond the scope of this rulemaking.

Section 173.31. Consistent with the proper shipping name revisions that replace the word "inhibited" with "stabilized" (see § 172.101), we are revising one such proper shipping name in § 173.31(b)(2)(ii).

Section 173.32. One commenter stated that the consolidation of §§ 173.32, 173.32b and 173.32c would impose requirements for DOT Specification 57 portable tanks that previously did not apply. The commenter provided specific recommendations for ensuring that new requirements for the maintenance and continued use of DOT Specification 57 portable tanks are not introduced. We did not intend to impose new requirements for DOT Specification 57 portable tanks. We considered the recommendations of the commenter and revised § 173.32(d), (f) and (h) to address these recommendations.

One commenter suggested that we incorporate certain editorial changes in § 173.32 and part 180, subpart G, to clarify that not all portable tanks have a maximum allowable working pressure (MAWP) and that some requirements do not apply to all portable tanks, such as DOT Specification 56 and 57 portable tanks. The commenter stated that DOT Specification 57 portable tanks, for example, have a design pressure, but not a MAWP. The commenter also noted that when we consolidated the repair, inspection, test and maintenance requirements for portable tanks in the NPRM, we applied requirements to DOT Specification portable tanks that currently are not applicable under the HMR. We agree with the commenter's suggestions and are incorporating the suggested editorial corrections.

One commenter stated that one of its members maintains and operates a large fleet of ICC Specification portable tanks and they requested that we maintain the current grandfather provisions for these portable tanks. As stated in the NPRM, our intent with removing the provisions was based on whether these portable tanks were being used. With receipt of this comment, we are retaining the provisions currently in 173.32(b) and (c) of the HMR by incorporating them into § 173.32(c)(4) and (c)(5) in this final rule.

The commenter also stated that DOT Specification 60 and marine portable tanks were not addressed in the NPRM and requested that these portable tanks be authorized for continued use. We did not propose any changes in the NPRM that would prevent continued use of these portable tanks.

Another commenter expressed concern regarding our proposal to allow UN portable tanks to be designed and constructed to pressure vessel design codes other than the ASME Code. The commenter asked which codes would be acceptable and expressed concern that we would allow codes that are "less stringent" than the ASME Code. In response to this comment, we wish to advise the commenter that codes other than ASME will only be authorized if approved by the Associate Administrator for Hazardous Materials Safety, and only for UN portable tanks intended for the transport of liquid and solid hazardous materials. No approval provision was proposed for use of alternative design codes for portable tanks intended for the transport of liquefied gases. Because alternative codes are only allowed if approved by the Associate Administrator, applications for use of other design codes will be reviewed on a case by case basis. It is not our intention to allow the use of design codes that will not provide an equivalent level of safety as afforded in the ASME Code. We did not include a list of potential alternative codes because we have not considered which codes we will accept and because other factors, in addition to the design code, will be considered in each case.

One commenter stated that it is unclear whether the grandfather provision for DOT Specification 56 and 57 portable tanks manufactured after October 1, 1996 provides for such portable tanks to continue in service. We note that DOT Specification 56 and 57 portable tanks were not authorized to be manufactured after October 1, 1996. On October 1, 1996, the UN IBC requirements were introduced which replaced DOT Specification 56 and 57 portable tanks.

Because paragraphs (c)(3) and (g) concerning pressure relief valves for DOT specification portable tanks are duplicative, we are removing paragraph (g). With this action the paragraphs following the removed paragraph (g) are renumbered.

As proposed in the NPRM, we are revising § 173.32 to provide requirements for all portable tanks by consolidating the requirements for the use of IM portable tanks currently in § 173.32c into a single section and moving them to part 180, subpart G, with the qualification and maintenance requirements for IBCs, cargo tanks and tank cars. We are also including a grandfather clause in § 173.32 to allow IM 101, 102 and DOT 51 portable tanks to continue to be constructed in accordance with the HMR until January 1, 2003. IM 101, 102 and DOT 51 portable tanks which are certified and approved prior to this date are authorized for continued use provided they meet the applicable periodic inspection and test requirements in part 180, subpart G. These requirements were previously in § 173.32b. On January 1, 2003, all newly manufactured portable tanks will be required to conform to the requirements for the design, construction and approval of UN portable tanks (see §§ 178.274, 178.275, 178.276 and 178.277). Finally, we are removing the provisions for the continued use of DOT Specification 52 and 53 portable tanks based on our view that these portable tanks are no longer

in use and the lack of comments to the contrary.

Section 173.32a. We are removing § 173.32a and moving its approval requirements for specification portable tanks to § 178.273. We believe that part 178 is a more appropriate location for these requirements and that the new section will prove to be more convenient for users of the HMR. We also are including similar requirements for the incorporation of requirements for UN portable tanks.

Section 173.32b. We are removing § 173.32b and relocating the test requirements to part 180, subpart G, as discussed in § 173.32.

Section 173.32c. We are removing § 173.32c. The requirements for the use of all specification portable tanks are now included in § 173.32, thereby precluding the need for § 173.32c.

Section 173.34. Consistent with the proper shipping name revisions that replace the word "inhibited" with "stabilized" (see § 172.101), we are revising two such proper shipping names in § 173.34(e)(13).

Section 173.61. Based on our own initiative, for Class 1 (explosives) mixed packaging requirements, we are revising paragraph (e)(3) to allow explosives of compatibility group S that are allowed to be packaged with explosives of all other compatibility groups, except A and L, to be treated as belonging to any of the packaged compatibility groups except S. In addition, we are adding a new paragraph (e)(8) to allow explosive articles in compatibility group G, except for fireworks and articles requiring special packaging, to be packaged with articles of compatibility groups C, D and E, and the combined package may be treated as belonging to compatibility group E. This revision corresponds with the previous allowance contained in § 177.848(g).

Section 173.62. Consistent with adding the entries "Rockets *with inert head,*" UN0502 and "1H-Tetrazole," UN0504 to the § 172.101 Table, we are adding them to the paragraph (b) Explosives Table which specifies the Packing Instructions assigned to each explosive. In paragraph (c), we are revising the Explosives Packing Instructions Table to authorize additional types of outer packagings in the following packing instructions: 112(a), 112(b), 112(c), 113, 115, 116, 130, 131, 134, 135, 136, 138, 140, 141,142 and 144.

Section 173.150. We are revising paragraph (d) by clarifying that alcoholic beverages containing over 24% alcohol by volume are not excepted from regulation when transported by a passenger or crewmember on passenger-carrying aircraft except as provided in § 175.10(a)(17). (See preamble discussion under § 175.10.)

Section 173.162. We are revising paragraph (a)(1) by clarifying that the types of packagings specified in the paragraph are combination packagings and that the glass, earthenware or rigid plastic packagings are authorized as inner packagings only. In addition, for these packagings, we are increasing the net mass of 10 kg (22 pounds) for each packaging to15 kg (33 pounds). This is consistent with Packing Instruction 800 in the UN Recommendations.

Section 173.185. We are revising § 173.185 to include a definition for equivalent lithium content for lithium ion cells and batteries and to provide the applicable aggregate lithium quantities relevant to excepting lithium ion cells and batteries from the requirements of the HMR consistent with the eleventh edition of the UN Recommendations. The definition of lithium content was revised in this final rule to make it consistent with a minor editorial clarification adopted by the Committee of Experts in its report of the 21st session (see section 38.3.2.2 in the amendments to the UN Manual of Tests and Criteria, report number ST/SG/AC.10/27/Add.2). This clarification was included based on a comment that we received. We adopted this clarification in order to prevent possible confusion about the lithium-equivalent content of lithium-ion battery packs that are currently used in many portable devices. For the readers' information, we plan to issue an NPRM under a separate rulemaking initiative to address the 12th edition amendments to the UN Recommendations that require all lithium batteries, regardless of the lithium content, to be subject to the lithium battery tests in Section 38 of the UN Manual of Tests and Criteria. The lithium battery amendments and revised test methods are available in the report of the UN Committee of Experts and may be downloaded at *http://www.unece.org/trans/main/dgdb/dgcomm/ac10rep.html.*

Several commenters stated that we did not include the revised requirements applicable to large lithium batteries used for electric and hybrid vehicles and requested that we make the correction in the final rule. Although we discussed the amendment in the NPRM's preamble, the revised requirements were inadvertently omitted from the regulatory text. This error is corrected in this final rule.

Section 173.224. Consistent with the UN Recommendations, we are adding the entry "2,2'-Azodi(isobutyronitrile) as a water-based paste" to the Self-Reactive Substances Table for substances that are not subject to the approval provisions of § 173.124(a)(2)(iii), provided all applicable provisions in the table are met. Finally, we are revising paragraph (b)(4) and removing paragraph (d) to allow Type F self-reactive substances to be transported in portable tanks under conditions specified in § 173.225(e) (see preamble discussion under § 173.225).

Section 173.225. We are amending the paragraph (b) Organic Peroxide Table by making various changes, such as revising several technical names, packing method authorizations and control temperatures. These changes are consistent with the UN Recommendations. We are removing Notes "7" and "10" consistent with the adoption of UN IBC 520 and adding Note "26" to specify the available oxygen content limitation for certain new organic peroxide formulations. We are revising paragraph (e) to incorporate the requirements from the eleventh revised edition of the UN Recommendations relevant to the emergency venting devices for portable tanks and IBCs used for the transportation of organic peroxides and self-reactive substances. This responds to NTSB recommendation (I–92–2) that asked us to "revise the requirements for pressure relief venting on DOT Specification 57 portable tanks used to transport dicumyl peroxides and other products with similar rapid decomposition characteristics to ensure that the pressure relief systems prevent overpressure rupture of tanks from a rapid product decomposition reaction." We are applying the recommended venting requirements to all portable tanks and IBCs, rather than just DOT Specification portable tanks. Additionally, the types of portable tanks authorized for type F organic peroxide and self-reactive substances are expanded to include UN portable tanks. We are adopting the requirements in Portable Tank Instruction T23 and IBC Special Provision, IBC 520.

A commenter brought to our attention that Note 26 as proposed would conflict with the § 173.21 restriction for ketone peroxides which limits oxygen content to 9% or less. We agree and are removing the proposed Note 26 text and renumbering the proposed Note 27 to Note 26. In addition, based on a comment, we are adding an organic peroxide formulation for 2,5 Dimethyl 2,5 di-2-ethylhex anoylperoxy hexane, UN3113. The entry was adopted in the UN Recommendations and inadvertently omitted in the NPRM.

We understand that the current Organic Peroxide Table includes a number of formulations that are no longer used. We encourage users of the Organic Peroxide Table to provide us with comments in this regard, as well as suggestions for improving the Organic Peroxide Table.

Sections 173.240, 173.241, 173.242 and 173.243. In each section's paragraph (c), we are removing Specification DOT 52 and 53 portable tanks as authorized packagings (see § 173.32) because we believe that these portable tanks are no longer used. In addition, we are authorizing UN portable tanks. In conjunction with the revision to the requirements for IBCs, for alignment with international standards, we are revising paragraph (d) which specifies authorized IBCs in §§ 173.240, 173.241, 173.242 and 173.243 to reflect the proposed incorporation of IBC packing instructions and IP codes (see § 172.101, Column (7)). Based on a comment that we received, we are not requiring temperature sensing devices or reclosing pressure relief devices for DOT Specification 57 portable tanks. We agree with the commenter that such portable tanks have limited use and are very similar to IBCs.

We also received a comment stating that § 173.240 should be amended to allow the use of non-specification flexible ("supersacks") IBCs for hazardous materials such as "Environmentally hazardous substances, solid, n.o.s." Specifically, the commenter requested that we authorize the use of non-specification "supersacks" in § 173.240. The commenter questioned the omission by asking why we do not authorize non-specification IBCs, yet we provide for the use of other non-specification bulk packagings. While it is our intent at this time to maintain authorization for use of non-specification portable tanks and bulk bins in § 173.240(c), we do not agree that non-specification IBCs should be authorized. The only non-specification bulk packagings authorized in § 173.240 are portable tanks and bulk bins which are rigid packagings of a higher integrity when compared to a 2,000 pound non-specification bag. Neither the current HMR nor the UN Recommendations authorize the use of non-specification IBCs for environmentally hazardous substances. We believe that authorization of the non-specification "supersacks" would be detrimental to safety and, therefore, we are not incorporating it into the HMR.

Section 173.247. In paragraph (c), we are removing Specification DOT 52 and 53 portable tanks as authorized packagings (see § 173.32).

Sections 173.301, 173.304, 173.314, 173.315 and 172.330. Consistent with the proper shipping name revisions that replace the word "inhibited" with "stabilized" (see § 172.101), we are revising all such proper shipping names in these sections.

Section 173.306. Consistent with Packing Instruction P201 in the UN Recommendations, we are amending the paragraph (a)(4)(iii) conditions for transporting flammable, non-pressurized gas samples by revising the inner packagings limit from 2.5 L (0.66 gallons) to 5 L (1.3 gallons).

Sections 173.314 and 173.315. Consistent with the proper shipping name revisions that replace the word "inhibited" with "stabilized" (see § 172.101), we are revising one such proper shipping name in § 173.314(c) and (g) and two such proper shipping names in § 173.315(a), (b) and (h).

Section 173.315. As proposed in the NPRM, we are revising paragraphs (a) and (i)(1)(iii) to incorporate provisions for the use of UN portable tanks for the transportation of liquefied compressed gases and the requirements for DOT Specification 51 portable tanks. In paragraph (a), we are incorporating a reference to new tank instruction T50 (see UN T Codes under § 172.102) for the transportation of liquefied compressed gases in UN portable tanks. In paragraph (i)(1)(iii), we are including the pressure relief device requirements applicable to UN portable tanks.

We received a comment questioning the intent in paragraph (a)(1)(iii) concerning the insulation requirements. The commenter was concerned that the paragraph prevents the use of mylar, other low melting films and aluminum for jacket materials. We note that the paragraph does not prohibit the use of jackets constructed of materials other than steel, except in the case when the portable tank manufacturer is attempting to lower the required relieving capacity of the relief devices by taking into account the thermal protection afforded by the insulation. The UN portable tank requirements intentionally restrict the jacketing material to steel when using the insulation as a means for reducing the required relieving capacity of the pressure relief devices, because jacket materials with lower melting temperatures, such as aluminum, would not provide adequate fire damage protection for the inner vessel, or for the vacuum insulation in the case of a vacuum insulated tank to justify allowing a lower overall relieving capacity for the pressure relief system. We agree with the UN reasoning for limiting jacket material to steel, and, therefore, we are adopting the paragraph as proposed.

Section 173.320. For transportation by air for cryogenic liquids exceptions, we are making an editorial clarification in paragraph (c) to refer readers to the specific cites in the ICAO Technical Instructions rather than stating "see § 171.11 of this subchapter."

Part 175

Section 175.10. For consistency with the ICAO Technical Instructions, we are revising paragraph (a)(10) to clarify that lighters containing "unabsorbed liquid fuel" are prohibited on one's person or in checked or carry-on baggage. We are revising exclusions for alcoholic beverages as carry-on and checked baggage to impose a per passenger quantity limit and to restrict the exceptions to alcoholic beverages in retail packagings containing not more than 70% alcohol. We are revising paragraph (a)(16) to exclude alcoholic beverages. Also, we are adding new paragraph (a)(17) to specify that alcoholic beverages containing more than 24% and not more than 70% alcohol by volume, when carried by passengers or crew in checked or carry-on baggage, are not subject to the HMR if in retail packagings not exceeding 5 liters (1.3 gallons) with a total net quantity per person of 5 liters (1.3 gallons). These changes are consistent with the ICAO Technical Instructions.

Section 175.33. For harmonization with the ICAO Technical Instructions, we are revising paragraph (a) introductory text to add a requirement that the written pilot notification must be accurate and legible.

Section 175.78. We are revising this section to update and align segregation requirements with recent changes adopted in the ICAO Technical Instructions which were based on a UN decision to remove the distinction between primary and subsidiary risk labels. Separate rows and columns are provided for Divisions 5.1 and 5.2. We are adding a new provision to clarify that packages with multiple risks do not need to be segregated from other packages bearing the same UN number. The ICAO Technical Instructions currently require segregation of Divisions 5.1 and 4.3 hazardous materials and we have revised the entry to reflect the change.

Section 175.85. Consistent with a new provision adopted in the ICAO Technical Instructions, we are revising paragraph (a) to authorize use of main deck Class C cargo compartments for the transport of hazardous materials. Prior

to this final rule, hazardous materials were allowed to be carried in a main deck cargo compartment of a passenger aircraft provided the compartment was inaccessible to passengers and it met certification requirements for a Class B cargo compartment. (Class C cargo compartments differ from Class B cargo compartments in that Class C compartments are required to have a built-in fire extinguishing system, in addition to smoke or fire detection systems.)

Part 176

Section 176.2. In conjunction with incorporating a requirement for vessel cargo to be in compliance with the INF Code (see § 176.720), we are adding a definition for "INF cargo" under the § 176.2 definitions.

Section 176.63. For the stowage of Class 1 (explosive) materials on board a vessel, we are adding a stowage location definition for "closed cargo transport unit." This addition coincides with the addition of the vessel stowage category definitions contained in Amendment 30 to the IMDG Code. (See § 172.101(k).)

Section 176.84. Consistent with the IMDG Code we are revising paragraph (b) Table of provisions and paragraph (c)(2) stowage provisions. In the paragraph (b) Table of provisions, we are adding two new stowage provisions for assignment to the entries: "Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry with more than 39 percent available chlorine (8.8 percent available oxygen)," "Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures, *with not less than 5.5 percent but not more than 10 percent water,*" and "Calcium hypochlorite mixtures, dry *with more than 10 percent but not more than 39 percent available chlorine.*" In the paragraph (c)(2), we are revising the list of notes for the stowage of Class 1 (explosive) material provisions.

Section 176.128. We are making an editorial change in § 176.128(c) by correcting an identification number.

Section 176.136. We are making an editorial change in § 176.136 by removing the word "portable."

Section 176.142. Based on a comment from the National Cargo Bureau, Inc., in § 176.142, paragraph (a), we are revising the list of hazardous materials that may not be transported in a vessel carrying Class 1 (explosive) materials to reflect the most current proper shipping names and add one extremely flammable material, "Methyl phosphonous dichloride, *pyrophoric liquid,*" NA2845.

Section 176.720. We are adding a new section to require a vessel carrying INF cargo in international transportation to comply with the "International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships," (INF Code, 2000, English edition). The INF Code was adopted by the International Maritime Safety Committee and became effective January 1, 2001 in the IMDG Code.

Part 177

Section 177.848. In paragraph (g)(3)(vi), we inadvertently added the terms "special stowage" and "stowed" from the corresponding vessel section of the HMR (§ 174.81) under HM–215C (64 FR 10742). We are correcting the wording by removing "special stowage," which is not applicable to this section, and replacing "stowed" with "loaded, transported and stored." We received a joint petition from the American Trucking Associations (ATA) and the Institute of Makers of Explosives (IME) (P–1396) requesting additional clarification of this paragraph. Prior to this rule, the paragraph read:

"(vi) "6" means explosive articles in compatibility group G, other than fireworks and those requiring special stowage, may be stowed with other explosive articles of compatibility groups C, D and E, provided no explosive substances (for example, those not contained in articles) are carried in the same vehicle."

In this paragraph and the corresponding paragraph in § 174.81, the petitioners request that the words "other explosives" be inserted before the wording "explosive substances." The petitioners are incorrect in their interpretation of the wording of this paragraph. Explosive *articles* in compatibility group G may be stowed with certain other explosive *articles* (C, D and E compatibility groups), provided no explosive *substances* that are not contined within articles are carried in the same vehicle. We point out that there is a distinction between the words "articles" and "substances." To take advantage of this paragraph, explosive substances that are not contained in articles may not be carried on the vehicle. We are revising the paragraph to clarify that substances are prohibited when not contained in articles.

Part 178

Section 178.273. We are adding a new section by moving the current requirements for the approval of portable tanks from § 173.32a to § 178.273. This new section will include approval provisions for all portable tanks, including "UN portable tanks." These current approval provisions will precede the requirements for UN portable tanks (§§ 178.274 through 178.277). Approval agencies that have an interest in approving UN portable tanks must send a request to DHM–32, Office of Hazardous Materials Approvals, in accordance with the requirements in part 107, subpart E of this subchapter.

Sections 178.274, 178.275, 178.276 and 178.277. Based on the eleventh revised edition of the UN Recommendations, we are incorporating four new sections into the HMR for the UN portable tank requirements. This action is based on our own initiative and a petition for rulemaking (P–1373) and is consistent with our international harmonization objectives. The requirements apply to the design and construction of portable tanks. The IMO Dangerous Goods, Solid Cargoes and Containers (DSC) Sub-Committee incorporated the new harmonized UN multimodal portable tank requirements into the reformatted IMDG Code, Amendment 30. The reformatted IMDG Code became effective on January 1, 2001. The IMDG Code also includes a provision to allow for the continued use of portable tanks designed and constructed under the current requirements (those in Amendment 29 or previous amendments to the IMDG Code as applicable, depending on the date of construction).

The IMO allows construction under the new requirements on January 1, 2001, on a voluntary compliance basis, with a mandatory compliance date of January 1, 2003. On January 1, 2003, all new portable tanks will be required to be manufactured in accordance with the new requirements. For purposes of harmonization, we are incorporating the corresponding design, construction and use requirements for UN portable tanks in the HMR. In addition, in § 173.32 we are providing for the continued use of IM 101, 102 and DOT Specification 51 portable tanks, which is consistent with the provisions adopted in the IMDG Code.

The design and construction requirements for UN portable tanks do not differ significantly from the previous IM 101 and 102 portable tanks and the DOT Specification 51 requirements. In general, the UN requirements are less restrictive. For example, 6 mm (0.2 inches) minimum thickness is required for most portable tanks, as opposed to the current minimum thickness of 6.35 mm (0.3 inches) for IM 101 and 102 portable tanks. As discussed in the NPRM, while the majority of the changes involve relaxations of the regulatory requirements, there will be implications for portable tank manufacturers,

shippers and operators who transport hazardous materials in portable tanks. For example, we are requiring UN portable tanks used for the transportation of liquefied compressed gases to be approved by a DOT-designated approval agency, and we are requiring all UN portable tanks to meet a 4 g impact test. In addition to portable tanks for liquids and liquefied compressed gases, we are incorporating requirements for portable tanks that are used to transport refrigerated liquified gases (cryogenic liquids). Previous to this final rule, requirements for portable tanks used for refrigerated liquefied gases were not specified in the HMR, and we authorized their use only under DOT exemptions. The differences between UN portable tanks and the previous portable tank requirements include, but are not limited to the following:

—The new definition for portable tank includes multimodal tanks with a capacity of more than 450 liters (118.9 gallons).

—The new design temperature range is defined as –40 °C to 50 °C (–40 °F to 122.0 °F). This final rule includes the requirement that design temperatures must be considered for portable tanks subjected to severe climatic conditions. Previous to this final rule, regulations specified a range of –20 °C to 50 °C (–4.0 °F to 122.0 °F).

—The new UN leakage test for portable tanks intended for the transport of liquids specifies a test pressure not less than 25% of Maximum Allowable Working Pressure (MAWP). The previous HMR requirements specified an internal pressure equivalent to MAWP, but not less than 0.2 bar (20.0 kPa) for liquids.

—The new test requires that the design and construction of portable tanks must take into account the effects of fatigue during normal conditions of transport. Previously, this was not required in the HMR.

—The new requirements specify an absolute minimum thickness of 3 mm (0.1 inches), regardless of the material used and regardless of whether additional protection is provided.

—Under the new requirements, a rail impact test of 4 g is required for all portable tanks meeting the definition of "Container" in the International Convention for Safe Containers (CSC).

—The new requirements specify that the test pressure be 1.3 times the design pressure for portable tanks intended for the transport of liquefied gases. Previously, under the HMR, DOT 51 portable tanks used for the transportation of liquefied gases were required to have a test pressure of 1.5 times the design pressure; however, this is based on the vapor pressure of the hazardous material at 115 °F (46.1 °C), whereas the UN calculates the vapor pressure at 65 °C (149 °F). The differences between 1.5 at 46 °C and 1.3 at 65 °C, therefore, would not be significant. (Although one commenter stated that they disagreed with this statement, our view is explained further in the preamble discussion under § 178.274.)

—The new requirements include a figure for thermal conductance for the thermal insulation systems of shells intended for the transport of liquefied compressed gases.

—The new requirements include a definition for "Holding time" relevant to portable tanks used for the transportation of refrigerated liquefied gases. This is consistent with current HMR requirements in § 178.338–9 for cargo tanks.

—The new requirements specify the effectiveness of the insulation system (heat influx in watts) based on a test using the portable tank.

—The new requirements allow the specified minimum values of material strength for austenitic steels to be increased by 15% according to recognized material standards when greater values are provided in the material inspection certificates.

—The new requirements allow the combined capacity of all pressure relief devices to be sufficient to limit the pressure to 120% of the MAWP for liquefied compressed gases.

Section 178.274. One commenter stated that the required test pressure for UN portable tanks used for the transportation of propane would increase from 320 psig to 400 psig. We believe that the values cited by the commenter are not accurate. Based on the Fourth Edition of the Compressed Gas Association Handbook of Compressed Gases, the vapor pressure of propane is approximately 220–230 psia at a reference temperature of 115 °F (46.1 °C) and approximately 270–275 psia at 130 °F (54.4 °C). The required MAWP according to § 173.315 is 250 psi. The test pressure for a UN portable tank would be approximately the same as that for a DOT 51 portable tank and in some cases may be slightly less. In this case, it would not be in the interest of harmonization to vary from the internationally agreed design pressure formulas. Based on the above, we are adopting the requirement as proposed.

One commenter stated that aluminum should be authorized as a material for portable tank shell construction. The UN Recommendations allows aluminum only for portable tanks intended for liquid and solid materials when approved by the competent authority. Aluminum is not authorized for portable tank shells intended for non-refrigerated liquefied gases, however, aluminum is authorized for shells of portable tanks intended for the transportation of refrigerated liquefied gases. Based on the merits of these comments and to be consistent with the UN Recommendations, we are amending paragraph (b) accordingly.

Also regarding paragraph (b), some commenters requested background information explaining the justification and application of the proposed –40 °C lower range for the design temperature applicable to UN portable tanks. This lower temperature was adopted because the UN working group recognized that –20 °C was not sufficient to represent temperatures that UN portable tanks may experience in certain parts of the world. One commenter stated that it was not clear whether the requirement was applicable to all portable tank components or only to the shell. In response to this comment, we point out that the design temperature range applies to the shell which is the primary pressure and lading retention component of the portable tank. The general requirements for design and construction state that "Portable tank materials must be suitable for the external environment where they will be transported taking into account the determined design temperature range." This provision requires service equipment to be suitable for the climatic conditions to which it will be exposed. For these reasons, we are not amending the proposed language.

One commenter stated that the change from the very prescriptive relief device location for IM portable tanks in § 178.270–11(b)(1)(i) to the less specific requirement is "too open to interpretation" and requested clarification. We do not agree with the commenter. The main safety concern is that when the tank is filled to its maximum filling condition, the relief device is located in the vapor space and will ensure that escaping vapor can be discharged free from any obstruction. The text accomplishes this objective and is more flexible and performance-oriented. Specifically limiting the location by specifying exact tolerances forces us to issue exemptions and approvals when the location varies from these specific parameters. In addition, the text as proposed in this section is consistent with how the HMR specifies pressure relief device location for DOT specification 400 series cargo tanks

(see178.345–10(c)). We are adopting the text as proposed.

One commenter stated that the proposed requirement to group outlet openings in paragraph § 178.274(e)(7) of the NPRM should not apply to portable tanks used for refrigerated liquified gases due to their unique design. The commenter explained that this requirement does not currently apply to exemption cryogenic portable tanks or MC 338 Specification cargo tanks (see § 178.338–7), nor is it a requirement under the UN Recommendations. We agree with this commenter and are amending the paragraph to reflect that the external fitting grouping requirement applies only to portable tanks intended for the transportation of non-refrigerated liquefied gases. This amendment is consistent with the current requirement that applies to DOT Specification 51 portable tanks in § 178.245–1(c). We agree that the additional exceptions applicable to locating openings in other locations in § 178.245–1(d)(1), (2) and (3) should also apply and, therefore, we are revising the text accordingly. Because these requirements are applicable only to portable tanks intended for the transport of non-refrigerated liquified gases, we are moving the text to the more appropriate location of § 178.276.

We received two comments concerning the proposed requirements for the internal valve emergency shut-off device in paragraph (e)(7). One commenter stated that there is no requirement in the UN Recommendations nor the IMDG Code for a thermally activated closure. Our intent with this paragraph is consistency with a requirement that was published under a final rule (Docket HM–166Y; 63 FR 37453) on July 10, 1998, requiring an IM portable tank to be retrofitted if unloaded while it remained on a transport vehicle with the power unit attached. The commenter stated that we proposed to expand the concept by making a thermally activated device part of the service equipment for all UN portable tanks and that the requirement would be contrary to harmonization because UN portable tanks are used worldwide. They suggested that the requirement should first be introduced at the UN Committee of Experts for consideration. Although the requirement is only a condition for unloading IM portable tanks from vehicles while the motor unit is attached, we were informed through meetings with portable tank users and manufacturers that it is not feasible to determine which IM portable tanks would be offloaded in this manner and that all IM portable tanks would need to be retrofitted with thermally activated closure devices (fusible links) in order to comply with the requirement in § 177.834(o). In a request for an interim final rule concerning the retrofitting requirement published in HM–166Y final rule, the Hazardous Materials Advisory Council (HMAC) stated "For commercial and economic reasons, it is not practical to remove all tanks from service at once to retrofit the bottom outlet valves with thermally activated closure devices. Tanks are either in a transport cycle, in storage, or in repair/maintenance shops. If all of the portable tanks were taken out of service at the same time to complete this retrofit, many industrial operations would be severely disrupted." DOT 51 portable tanks are required to be fitted with these closures (see § 178.245–1(d)(iii)) and in the HM–215D NPRM we proposed that UN portable tanks used for non-refrigerated liquified gases be fitted with these devices consistent with paragraph 6.7.3.5.4 of the UN Recommendations. The UN Recommendations require "quick closing" shut-off devices that close automatically in the event of fire engulfment and unintended movement of the portable tank for portable tanks used to transport flammable refrigerated and flammable and toxic non-refrigerated liquified gases. We are removing the requirements for these shut-off devices to operate based on unintended movement because we believe it is not practical. We believe that even though this is not a requirement under the UN Recommendations for liquid materials, it is a domestic requirement and from the safety perspective, as discussed under Docket HM–166Y, it should be applied to U.S. manufactured UN portable tanks intended for the transportation of liquid hazardous materials which are flammable, pyrophoric, oxidizing or toxic. We believe it would be in the best interest of safety to fit these portable tanks with thermally activated closures. We estimate that the cost of installing a fusible link will be approximately $40.00 to $70.00 per portable tank based on information provided by tank and tank valve and component manufacturers. Installation at the time of manufacture will avoid downstream retrofitting costs, costs associated with shipping delays and logistical problems at a later date. In previous discussions with the Hazardous Materials Advisory Council and the Tank Container Association, we were informed that retrofitting of portable tanks would cost approximately $200.00 to $250.00 per portable tank. On the basis of these costs, it makes economic sense to install the devices at the time of manufacture. We agree that this requirement should be proposed to the UN Committee of Experts and will follow-up accordingly. On the basis of enhanced safety, minimal cost at the time of manufacture, shipping delays and logistics, we are requiring U.S. manufactured UN portable tanks intended for transporting certain liquids to be fitted with thermally activated closures (fusible links). The internal valve shut-off requirements are revised for consistency in §§ 178.275(d)(3), 178.276(c)(4) and 178.277(d).

Concerning paragraph (i), one commenter stated that markings such as maximum allowable working pressure, test pressure, maximum gross mass and the applicable T Code should be marked on the tanks following the "UN" mark in order to convey that the cargo is authorized for that particular portable tank. We agree that a T marking on the tank may be advantageous, however, the UN Recommendations do not require a T mark and imposing such a requirement is beyond the scope of this final rule. Incorporation of a T code marking in this rule could lead to different requirements in domestic and international regulations if such a proposal is not adopted by the UN Transport Subcommittee. With regard to the other markings, the information is marked on a specification plate (see § 178.274(i) of the regulatory text). Finally, we moved the requirements for the initial inspection and test of portable tanks from § 180.605(d), as presented in the NPRM, to the more appropriate location § 178.274(j).

Sections 178.274 and 178.275. One commenter stated that although the term "fusible elements" is used in the UN Recommendations, the purpose of the devices and whether they are mandatory service equipment is unclear. The commenter stated that in the final rule it would be helpful to clarify the definition and use of these devices. We agree with the commenter and are adding a definition for "fusible elements" in § 178.274(a)(3) and are clarifying the use of "fusible elements" in § 178.275(f)(4).

A commenter requested that we allow UN portable tanks used for the transportation of refrigerated liquefied gases to be tested using an inert gas as an alternative to hydrostatic testing with water. The commenter explained that this is a common industry practice and is necessary because the saddle designs for these portable tanks are not designed to hold the associated weight of the water necessary to conduct the

hydrostatic test. The commenter further explained that the alternative method is necessary because it is difficult to entirely remove all of the water in the inner tank after the hydrostatic test is completed. In addition, the UN Recommendations authorize the pressure test using an inert gas. We accept this comment and are amending § 178.274(j)(2) to include a provision to allow, as an alternative to hydrostatic testing with water, testing with an inert gas for portable tanks used for the transportation of refrigerated liquefied gases.

Section 178.275. Regarding paragraph (c), a commenter stated that damage to the liner in a portable tank would be inevitable when welding a blind (blank) flange on the inside and outside of the portable tank shell. The commenter suggested a tamper proof flange as an alternative to the welded flange as proposed in the NPRM. The UN portable tank working group considered a number of alternate configurations or possibilities for closing bottom openings in portable tanks when they are retrofitted to remove bottom opening configurations. The working group was opposed to use of a bolted flange because of the possibility that it may leak during transportation. While inclusion of an alternative to welding is beyond the scope of this rule, a means of authorizing non-welded bottom flange configurations may be considered under the alternative arrangement approval provisions.

Another commenter stated that the presence of a liner in a portable tank should not be justification for authorizing the portable tank to be used without an internal shut-off valve. The commenter stated that internal shut-off valves can be fitted on lined portable tanks and that the proposed exception would result in a decrease in safety. We agree and based on the merits of the comment, we believe that a lined tank should have a internal shut-off and are removing the proposed exception in paragraph (c)(4) which states, "For a lined shell, the internal stop valve required by paragraph (c)(3)(i) of this section may be replaced by an additional external stop valve."

One commenter stated that the external design pressure should not be based on the internal pressure because, as proposed, the requirement would impose unrealistic external design pressure requirements. We agree with this commenter and are revising the wording in paragraph (e) to remove the reference to the internal pressure. On this basis, a shell that is to be equipped with a vacuum-relief device must be designed to withstand, without permanent deformation, an external pressure of not less than 0.21 bar.

Section 178.276. See discussion under § 178.274 for discussion concerning the relocation of certain text.

We received a comment stating that § 178.276 should be revised to provide an exception from the internal stop valve requirement for portable tanks used for the transportation of chlorine. The commenter requested alternative wording to clarify whether a threaded cap or pipe plug can be used as the third means of closure on portable tank openings. We agree and are revising the text in § 178.276(c)(1) to state "* * * and the third being a blank flange, threaded cap, plug or equivalent liquid tight closure device." We are also revising § 178.276(c)(3) to indicate that this paragraph only applies to openings below the liquid level of the portable tank. This wording will eliminate the need for portable tanks used to transport chlorine from having to be fitted with internal stop valves because these portable tanks have loading and unloading fittings only at the top of the tank. We are also including a new paragraph (7) to address inlets and discharge outlets, internal excess flow valves on portable tanks used to transport chlorine.

Section 178.277. One commenter stated that the NPRM preamble included a new filling limit for helium, yet it was not contained in the regulatory text in § 178.277. We recognized the oversight and added a new tank provision, TP5 to address the filling limit. (See § 172.102, Special Provisions.)

Another commenter stated that it is not necessary to specify impact test requirements in paragraph § 178.277(b)(4) and that the proposed provision for conducting impact tests at 0 °F on materials to be used for refrigerated liquefied gases are not suitable because such portable tanks operate at much lower temperatures. The commenter went on to say that the ASME Code adequately addresses this issue. We agree with the commenter and have removed the proposed provision.

Another commenter stated that we overlooked the fact that the UN Recommendations do not require portable tanks used for the transportation of refrigerated liquefied gases to have an opening for inspection. The commenter stated that the internal inspection requirements for these portable tanks should be removed because: (1) The portable tanks are not currently fitted with inspection openings, (2) internal corrosion is not a factor for portable tanks used to transport refrigerated liquefied gases, (3) the UN Recommendations do not require internal inspection for these portable tanks, and (4) fitting of inspection openings on these portable tanks does not enhance safety. We agree with the commenter and are including the exceptions for refrigerated liquefied gas portable tanks in paragraphs (d)(7) and § 180.605(e) and (f).

We are including the above discussed amendments and, as proposed in the NPRM, we are adding five new sections (§§ 178.273 through 178.277) to the HMR as follows: § 178.273 is added by moving the current requirements for the approval of Specification portable tanks from § 173.32a and introducing similar requirements for UN portable tanks; § 178.274 is added for the UN portable tank general design and construction requirements; § 178.275 is added for the additional specifications for UN portable tanks intended for the transportation of liquid and solid materials of Classes 3 through 9; § 178.276 is added for the additional requirements for UN portable tanks intended for the transportation of liquefied compressed gases; and § 178.277 is added for the additional requirements for the design, construction, inspection and testing of UN portable tanks intended for the transport of refrigerated liquefied gases.

Section 178.703. Consistent with § 178.3(a)(4), paragraph (a)(1) is revised by including a minimum height of 12 mm (0.5 inches) for IBC markings and by adding a requirement to allow use of the "W" mark for approval of equivalent IBC packagings, as provided for in § 178.801(i). Two commenters stated that while they support a minimum marking size of 12 mm for IBCs, it is not clear how this would apply to IBCs manufactured prior to the effective date of this final rule. In response to these commenters, we revised paragraph (a)(1) to clarify that the minimum marking size only applies to IBCs manufactured after the effective date of this final rule (October 1, 2001).

Section 178.705. We are revising the minimum wall thickness requirements to take into account the capacity in the case of metal IBCs.

Section 178.801. In paragraph (i), we are adding an approval provision for the use of large packagings, as defined in § 171.8 of this NPRM, provided the large packagings conform to the construction standards, performance testing and packaging marking as specified in UN Recommendations.

Section 178.812. Based on our initiative, we are revising paragraph (c)(1) and adding a new paragraph (c)(3) to include an alternate method for conducting the top lift test for flexible

IBCs. Prior to this final rule, the alternate method was authorized in several approvals issued by the Associate Administrator.

Part 179

Section 179.102–4. Consistent with the proper shipping name revisions that replace the word "inhibited" with "stabilized" (see § 172.101), we are revising one such proper shipping name in this section.

Part 180

Sections 180.601, 180.603, 180.605. We are moving the qualification and maintenance requirements for portable tanks from § 173.32(c) to part 180. As discussed in the NPRM, we believe that these requirements are more appropriately placed in part 180 along with the qualification and maintenance requirements for cargo tanks, IBCs and tank cars. Therefore, as proposed, we are adding new subpart G to part 180 for the qualification and maintenance of portable tanks. (Also see § 173.32.) One commenter suggested that we incorporate certain editorial changes to § 173.32 and part 180, subpart G, to clarify that not all portable tanks have a maximum allowable working pressure (MAWP) and that some requirements do not apply to all portable tanks, such as DOT Specification 56 and 57 portable tanks. We agree and have made the clarification revisions accordingly.

Section 180.603. A commenter requested that grandfather provisions be included in § 180.603 to recognize that portable tanks constructed and used in accordance with existing DOT exemptions are authorized for continued use provided they meet the applicable periodic inspection and test requirements. We do not agree with this request because such exemptions remain valid and their continued use are not affected by this final rule.

Section 180.605. Several commenters stated that the periodic inspection requirements for portable tanks proposed in the NPRM are not entirely consistent with those specified in the UN Recommendations. They quoted the UN Recommendations as stating: "A portable tank filled prior to the date of expiry of the last periodic inspection and test may be transported for a period not to exceed three months beyond the date of expiry of the last periodic test or inspection." In addition, a portable tank may be transported after the date of expiry of the last periodic test and inspection after emptying but before cleaning, for purposes of performing the next required test or inspection prior to refilling and unless otherwise approved by the competent authority, for a period not to exceed six months beyond the date of expiry of the last periodic test or inspection, in order to allow the return of dangerous goods for proper disposal or recycling. Reference to this exemption shall be mentioned in the transport document. The commenters requested that we adopt this text from the UN Recommendations in the final rule. We do not agree that the UN Recommendations' text should be included in the HMR. We believe that the UN text imposes arbitrary limits on the length of time that a portable tank may be transported after expiration of the inspection and test date. The HMR text allows a portable tank to continue to be transported after the expiration of the test date while prohibiting filling of a tank once the periodic inspection and test dates have expired. We wish to clarify that the text as proposed was based on existing text for cargo tanks (see 173.33(a)(3)) and for portable tanks (see 173.32(e)(5)). The text in place prior to this final rule, as well as the text adopted in this final rule, allows portable tanks which contain a residue, or are being transported to a cleaning, testing or repair facility, to be transported after the inspection and test date expires. In the NPRM, we simply consolidated this requirement in a more appropriate section and applied it universally to all portable tanks. We are adopting the text as proposed, even though it is less restrictive than the UN Recommendations text, because it is practical and does not impose unnecessary burdens on the regulated public or government. On this basis, we are not adopting the suggestions of the commenters. We also wish to note that the text in § 180.605(b)(3), as proposed and adopted, requires a portable tank that has been out of service for more than one year to be periodically retested.

Several commenters stated that they support our efforts to adopt the UN portable tank requirements. The commenters support the requirement that DOT 51 Specification portable tanks not be allowed to be manufactured after January 1, 2003, however, they do not support the conditions for continued use of existing DOT 51 portable tanks as proposed in the NPRM. We did not introduce new requirements for periodically retesting DOT Specification 51 portable tanks in the NPRM nor was it our intention to do so. The retest provisions for DOT Specification 51 portable tanks are specified in § 180.605(c)(2) and requires that the portable tanks be retested at least once every 5 years.

For paragraphs (e) and (f), see § 178.277(d)(7) discussion regarding an exception from the requirement for portable tanks used for the transportation of refrigerated liquefied gases to have an opening for inspection. We moved the initial inspection and test requirements from § 180.605(d), as proposed in the NPRM, to § 178.274(j) which we believe is a more appropriate location. For a comment on an alternative to hydrostatic testing with water, see § 178.274(j).

We also received a comment stating that we should have included an exception from the requirement for UN portable tanks intended for the transportation of "Helium refrigerated liquid (*cryogenic liquid*)," UN1963 and "Hydrogen, refrigerated liquid (cryogenic liquid)," UN1966 to be subjected to the 4 G rail impact test as prescribed in § 180.605(d)(6). The commenter reasoned that high thermal performance liquid hydrogen and helium containers are not transported on railroads due to the large impact loads experienced during coupling and that such UN portable tanks are marked with the words "NOT FOR RAIL TRANSPORTATION." We agree with the commenter. When the requirements for UN portable tanks were developed, the UN working group agreed that portable tanks used for the transportation of refrigerated liquefied helium and hydrogen should be excepted from rail impact testing. A special provision was added allowing the transportation of these refrigerated liquefied gases under conditions specified by the competent authority. In this final rule, we are excepting portable tanks intended for the transport of refrigerated liquefied helium and hydrogen from the requirements of a rail impact test. Instead of requiring an approval provision, we are adding a sentence to § 180.605(d)(6) to except portable tanks from the 4 G impact test when the portable tanks are used in dedicated service for the transportation of "Helium, refrigerated liquid," UN1963 and "Hydrogen, refrigerated liquid," UN1966 and are marked "NOT FOR RAIL TRANSPORT" in letters of a minimum height of 20 cm (8 inches) on at least two sides of the portable tank.

Another commenter stated that the proposed marking size amendment in § 180.605(l) requires inspection and test markings that are not included on the specification plate of a portable tank to be 32 mm (1.25 inches) high, yet as the commenter points out, currently § 173.32(e)(3) allows markings for DOT Specifications 51, 56, 57 and 60 portable tanks to be a minimum height of 12 mm. We agree with the commenter and after considering the proposed amendment, we do not believe that a marking height

of 32 mm is necessary for these particular portable tanks. Therefore, we are adopting a minimum test and inspection marking height of 3 mm when the markings are on the specification plate, and a marking height of 12 mm when the markings are directly on the portable tank.

IV. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This final rule is not considered a significant rule under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Benefits resulting from this final rule include enhanced transportation safety resulting from the consistency of domestic and international hazard communications and continued access to foreign markets by domestic shippers of hazardous materials. Many companies involved in domestic, as well as global operations, will realize economic benefits as a result of the amendments in this rulemaking. The total net increase in costs to businesses in implementing this rulemaking is minimal and we have determined that the intended benefits of harmonizing the HMR with international standards outweigh the minimal increase in costs to industry. For interested parties, a regulatory analysis is available for review in the public docket.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule preempts State, local and Indian tribe requirements but does not adopt any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous material transportation law, 49 U.S.C. 5101–5127, contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous; or

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This final rule addresses covered subject items (1), (2), (3), and (5) above and would preempt State, local, and Indian tribe requirements not meeting the "substantively the same" standard. This final rule is necessary to incorporate changes already adopted in international standards. If the changes in this final rule are not adopted in the HMR, U.S. companies, including numerous small entities competing in foreign markets, would be at an economic disadvantage. These companies would be forced to comply with a dual system of regulation. The changes in this final rule are intended to avoid this result. Federal hazardous materials transportation law provides at section 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. Thus, RSPA lacks discretion in this area. The effective date of Federal preemption will be December 18, 2001.

C. Executive Order 13084

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities, unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This final rule will serve to facilitate the transportation of hazardous materials in international commerce by providing consistency with international standards. This final rule applies to offerors and carriers of hazardous materials, some of whom are small entities, such as, chemical manufacturers, chemical users and suppliers, packaging manufacturers, distributors, battery manufacturers, radiopharmaceutical companies and training companies. Based on our assessment in the regulatory analysis, which is available in the public docket, I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities.

The majority of amendments in this final rule should result in cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America. For example, cost savings will be realized by shippers and carriers as a result of eliminating the differences between primary and subsidiary labels. As a result of this change, it will no longer be necessary to stock two sets of labels for each hazard class. To ease any burden associated with this change, we are incorporating a reasonable transition period where labels meeting requirements in effect immediately prior to this final rule and the requirements adopted in this final rule may be used.

Other cost savings include providing greater flexibility for the use of IBCs and portable tanks; retaining current IM 101, 102 and DOT Specification 51 portable tank requirements and providing authorizations for their use; deleting numerous entries from the marine pollutant list for consistency with the IMDG Code; authorizing greater flexibility for transporting samples of hazardous materials; authorizing the use of a single explosives placard when explosives of several compatibility groups are transported in a single freight container or vehicle; and revising requirements for large lithium batteries which will simplify the regulatory requirements applicable to batteries used in high energy efficient hybrid vehicles. Finally, we are authorizing immediate voluntary compliance, delayed effective dates and a one-year transition period to allow for training of employees and to ease any burden on entities affected by the amendments.

E. Paperwork Reduction Act

We have current information collection approvals under OMB No. 2137–0018, Inspection and Testing of Portable Tanks and Intermediate Bulk Containers, which expires March 31, 2002, with 51,340 burden hours and $10,235,000 annual costs, and OMB No. 2137–0557, Approvals for Hazardous Materials, which expires March 31, 2002, with 18,302 burden hours and $413,737.40 annual costs. We believe that this final rule may result in minor incremental increases in the annual burden hours and costs. The current approvals has been revised and resubmitted to OMB for extension and reapproval.

OMB No. 2137–0018 contains the information collection and recordkeeping requirements in current §§ 173.32, 173.32a, 173.32b, 178.245 and 178.801 for tests, inspections and related records related to the manufacture, qualification, repair or modification of portable tanks or intermediate bulk containers. This information is used to verify that portable tanks and intermediate bulk containers meet the required manufacturing standards prior to being authorized for initial use, and that once manufactured, the packagings are maintenance in conformance with the applicable HMR requirements. OMB No. 2137–0018 is revised to include UN portable tanks and to revise section references to the portable tank requalification requirements which are being relocated to subpart G in Part 180.

OMB No. 2137–0557 contains the information collection and recordkeeping requirements for packagings and hazardous materials approvals. This information is used to verify that portable tank designs meet the applicable standards. OMB No. 2137–0557 is revised to include UN portable tanks and to revise the section references to the portable tank design approval requirements which are being relocated to Part 178.

We estimate that the adjusted total information collection and recordkeeping burdens are as follows:

OMB No. 2137–0018:

Affected Public: Manufacturers, requalifiers, repairers and modifiers, and owners of certain DOT specification and exemption portable tanks and intermediate bulk containers.

Number of Respondents: 8,770.

Total Annual Responses: 86,100.

Total Annual Burden Hours: 66,390.

Total Annual Burden Cost: $ 7,137,500.

One-time Annual Start Up Burden Hours: 350.

OMB No. 2137–0557:

Number of Respondents: 3,518.

Total Annual Responses: 3,869.

Total Annual Burden Hours: 18,381.

Total Annual Burden Cost: $ 413,737.40.

Requests for a copy of the information collection approvals, requests and data should be directed to Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW, Washington, DC 20590–0001, Telephone (202) 366–8553.

F. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

H. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to consider the consequences of major federal actions and prepare a detailed statement on actions significantly affecting the quality of the human environment. We developed an assessment to determine the effects of these revisions on the environment and whether a more comprehensive environmental impact statement may be required. Our findings conclude that there are no significant environmental impacts associated with this final rule. Consistency in regulations for the transportation of hazardous materials aids in the shipper's understanding of what is required and permits shippers to more easily comply with safety regulations and avoid the potential for environmental damage or contamination. For interested parties, an environmental assessment is available in the public docket.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.7, in paragraph (a)(1), the fourth sentence is revised and in the paragraph (a)(3) table:

a. Under the entry "American Society for Testing and Materials", a new entry is added in alpha-numeric order;

b. Under the entry "International Atomic Energy Agency (IAEA)", a new entry is added in alpha-numeric order;

c. Under the entry "International Civil Aviation Organization (ICAO)", the existing entry is revised;

d. Under the entry "International Maritime Organization (IMO)", for the entry "International Maritime Dangerous Goods (IMDG) Code, 2000 edition", in the second column, add "; 176.720" after "176.30"; and

e. Under the entry "International Organization for Standardization", three new entries are added in alpha-numeric order.

The revisions and additions read as follows:

§ 171.7 Reference material.

(a) *Matter incorporated by reference*—(1) * * * The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C 552(a) and 1 CFR part 51. * * *

* * * * *

(3) *Table of material incorporated by reference.* * * *

Source and name of material	49 CFR reference
American Society for Testing and Materials	
ASTM E 112–96 Standard Test Methods for Determining Average Grain Size, 1996 Edition	178.274
International Atomic Energy Agency (IAEA)	
IAEA, Regulations for the Safe Transport of Radioactive Material, No. TS–R–1, 1996 Edition	171.12
International Civil Aviation Organization (ICAO)	
Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), DOC 9284–AN/905, 2001–2002 Edition.	171.11; 172.202; 172.401; 172.512; 172.602
International Organization for Standardization	
ISO 1496–3 Series 1 freight containers—Specification and testing, Part 3: Tank containers for liquids, gases and pressurized dry bulk, March 1, 1995, Fourth Edition.	178.274
ISO 4126–1 Safety valves—Part 1: General Requirements, December 15, 1991, First Edition	178.274
ISO 6892 Metallic materials—Tensile testing, July 15, 1984, First Edition	178.274

* * * * *

3. In § 171.8, the following definitions are added in appropriate alphabetical order to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Large packaging means a packaging that—

(1) Consists of an outer packaging which contains articles or inner packagings;

(2) Is designated for mechanical handling;

(3) Exceeds 400 kg net mass or 450 liters (118.9 gallons) capacity;

(4) Has a volume of not more than 3 m^3 (see § 178.801(i) of this subchapter); and

(5) Conforms to the requirements for the construction, testing and marking of large packagings as specified in the UN Recommendations.

* * * * *

Stabilized means that the hazardous material is in a condition that precludes uncontrolled reaction. This may be achieved by methods such as adding an inhibiting chemical, degassing the hazardous material to remove dissolved oxygen and inerting the air space in the package, or maintaining the hazardous material under temperature control.

* * * * *

UN portable tank means a intermodal tank having a capacity of more than 450 liters (118.9 gallons). It includes a shell fitted with service equipment and structural equipment, including stabilizing members external to the shell and skids, mountings or accessories to facilitate mechanical handling. A UN portable tank must be capable of being filled and discharged without the removal of its structural equipment and must be capable of being lifted when full. Cargo tanks, rail tank car tanks, non-metallic tanks, non-specification tanks, bulk bins, and IBCs and packagings made to cylinder specifications are not UN portable tanks.

* * * * *

4. In § 171.10, in paragraph (c)(2), the Table of Conversion Factors for SI Units, a unit of measure is added as the last entry, and in the abbreviation notes following the Table, in the (SI)

abbreviations, a new abbreviation "; Newton, N" is added after "mSv" to read as follows:

§ 171.10 Units of measure.

* * * * *

(c) * * *

(2) * * *

TABLE OF CONVERSION FACTORS FOR SI UNITS

Measurement	SI to U.S. standard	U.S. standard to SI
*	*	*
Force	1 Newton = 0.2248 Pound-force	1 Pound-force=4.483 N

* * * * *

5. In § 171.11, the introductory text is revised, the comma at the end of paragraphs (d)(6)(i) and (d)(6)(ii) are removed and a period is added in its place, ", and" at the end of paragraph (d)(6)(iv) is removed and a period is added in their place, and new paragraphs (d)(6)(vi) and (d)(17) are added to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

Notwithstanding the requirements of parts 172 and 173 of this subchapter, a hazardous material may be transported by aircraft, and by motor vehicle either before or after being transported by aircraft, in accordance with the ICAO Technical Instructions (see § 171.7) if the hazardous material;

* * * * *

(d) * * *

(6) * * *

(vi) The definition for "radioactive material" in § 173.403 of this subchapter applies to radioactive materials transported under the provisions of this section.

* * * * *

(17) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

6. In § 171.12, paragraph (b)(5) is revised, new paragraph (b)(20) is added, paragraphs (d) heading and introductory text and (d)(4) are revised, "and" at the end of paragraph (d)(5) is removed, the period at the end of paragraph (d)(6) is removed and "; and" is added in its place, and paragraph (d)(7) is added to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) * * *

(5) Except for IBCs and UN portable tanks intended for liquids or solids, hazardous materials that conform to the requirements of the IMDG Code, bulk packagings must conform to the requirements of this subchapter. For UN portable tanks, Special Provisions TP37, TP38, TP44 and TP45 must be met when applicable. Except as specified in paragraph (b)(8) of this section for a material poisonous (toxic) by inhalation (see § 171.8 of this subchapter), the T Codes specified for specific hazardous materials in Column 13 of the Dangerous Goods List of the IMDG Code may be applied to the transportation of those materials in IM, IMO and DOT Specification 51 portable tanks.

* * * * *

(20) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

* * * * *

(d) *Use of International Atomic Energy Agency (IAEA) regulations for Class 7 (radioactive) materials.* Class 7 (radioactive) materials being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation when packaged, marked, labeled, and otherwise prepared for shipment in accordance with IAEA "Regulations for the Safe Transport of Radioactive Material," Safety Series No. 6, 1985 edition, or TS-R–1, 1996 edition (see § 171.7) , if—

* * * * *

(4) The country of origin for the shipment has adopted the corresponding edition (Safety Series No. 6, 1985 Edition, or TS-R–1, 1996 Edition) of the IAEA "Regulations for the Safe Transport of Radioactive Material';

* * * * *

(7) The definition for "radioactive material" in § 173.403 of this subchapter is applied to radioactive materials transported under the provisions of this section.

7. In § 171.12a, a new paragraph (b)(18) is added to read as follows:

§ 171.12a Canadian shipments and packagings.

* * * * *

(b) * * *

(18) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

8. In § 171.14, paragraphs (d) introductory text, (d)(1) and (d)(2) introductory text are revised and new paragraphs (d)(4) and (d)(5) are added to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(d) A final rule published in the **Federal Register** on June 21, 2001, effective October 1, 2001, resulted in revisions to this subchapter. During the transition period, until October 1, 2002, as provided in paragraph (d)(1) of this section, a person may elect to comply with either the applicable requirements of this subchapter in effect on September 30, 2001, or the requirements published in the June 21, 2001 final rule.

(1) *Transition dates.* The effective date of the June 21, 2001 final rule is October 1, 2001. A delayed compliance date of October 1, 2002 is authorized. On October 1, 2002, all applicable regulatory requirements adopted in the June 21, 2001 final rule in effect on October 1, 2001 must be met.

(2) *Intermixing old and new requirements.* Prior to October 1, 2002, it is recommended that the hazard communication requirements be consistent where practicable. Marking, labeling, placarding, and shipping paper descriptions should conform to either the old requirements of this subchapter in effect on September 30, 2001, or the new requirements of this subchapter in the June 21, 2001 final rule without intermixing communication elements. However, intermixing is permitted, during the applicable transition period,

for packaging, hazard communication, and handling provisions, as follows:

* * * * *

(4) Until January 1, 2010, a hazardous material may be transported in an IM or IMO portable tank in accordance with the T Codes (Special Provisions) assigned to a hazardous material in Column (7) of the HMT in effect on September 30, 2001.

(5) Until October 1, 2005, proper shipping names that included the word "inhibited" prior to the June 21, 2001 final rule in effect on October 1, 2001, may continue to be shown on packagings in place of "stabilized."

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,AND TRAINING REQUIREMENTS

9. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

10–11. In § 172.101, paragraphs (b)(1) and (c)(11) are revised, new paragraphs (c)(16) and (k)(6) through (k)(20) are added, and the Hazardous Materials Table is revised to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(b) * * *

(1) The plus (+) sign fixes the proper shipping name, hazard class and packing group for that entry without regard to whether the material meets the definition of that class, packing group or any other hazard class definition. When the plus sign is assigned to a proper shipping name in Column (1) of the § 172.101 Table, it means that the material is known to pose a risk to humans. When a plus sign is assigned to mixtures or solutions containing a material where the hazard to humans is significantly different from that of the pure material or where no hazard to humans is posed, the material may be described using an alternative shipping name that represents the hazards posed by the material. An appropriate alternate proper shipping name and hazard class may be authorized by the Associate Administrator.

* * * * *

(c) * * *

(11) Except for a material subject to or prohibited by §§ 173.21, 173.54, 173.56(d), 173.56(e), 173.224(c) or 173.225(c) of this subchapter, a material that is considered to be a hazardous waste or a sample of a material for which the hazard class is uncertain and must be determined by testing may be assigned a tentative proper shipping name, hazard class, identification number and packing group, if applicable, based on the shipper's tentative determination according to:

(i) Defining criteria in this subchapter;

(ii) The hazard precedence prescribed in § 173.2a of this subchapter;

(iii) The shippers knowledge of the material;

(iv) In addition to paragraphs (c)(11)(i) through (iii) of this section, for a sample of a material, other than a waste, the following must be met:

(A) Except when the word "Sample" already appears in the proper shipping name, the word "Sample" must appear in association with the basic description of a sample on the shipping paper;

(B) When the proper shipping description for a sample is assigned a "G" in Column (1) of the § 172.101 Table, and the primary constituent(s) for which the tentative classification is based are not known, the provisions requiring a technical name for the constituent(s) do not apply; and

(C) A sample must be transported in a combination packaging which conforms to the requirements of this subchapter that are applicable to the tentative packing group assigned, and may not exceed a net mass of 2.5 kg. (5.5 pounds) per package.

Note to Paragraph (c)(11): For the transportation of self-reactive, organic peroxide and explosive samples, see §§ 173.224(c)(3), 173.225(c)(2) and 173.56(d) of this subchapter, respectively.

* * * * *

(16) Unless it is already included in the proper shipping name in the § 172.101 Table, the qualifying words "liquid" or "solid" may be added in association with the proper shipping name when a hazardous material specifically listed by name in the § 172.101 Table may, due to the differing physical states of the various isomers of the material, be either a liquid or a solid (for example "Dinitrotoluenes, liquid" and "Dinitrotoluenes, solid"). Use of the words "liquid" or "solid" is subject to the limitations specified for the use of the words "mixture" or "solution" in paragraph (c)(10) of this section. The qualifying word "molten" may be added in association with the proper shipping name when a hazardous material, which is a solid in accordance with the definition in § 171.8 of this subchapter, is offered for transportation in the molten state (for example, "Alkylphenols, solid, n.o.s., molten").

* * * * *

(k) * * *

(6) Stowage category "01" means the material may be stowed "on deck" or "under deck" on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(7) Stowage category "02" means the material may be stowed "on deck" or "under deck" on a cargo vessel (up to 12 passengers) and "on deck" in closed cargo transport units or "under deck" in closed cargo transport units on a passenger vessel.

(8) Stowage category "03" means the material may be stowed "on deck" or "under deck" on a cargo vessel (up to 12 passengers) and "on deck" in closed cargo transport units on a passenger vessel.

(9) Stowage category "04" means the material may be stowed "on deck" or "under deck" on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(10) Stowage category "05" means the material may be stowed "on deck" in closed cargo transport units or "under deck" on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(11) Stowage category "06" means the material may be stowed "on deck" in closed cargo transport units or "under deck" on a cargo vessel (up to 12 passengers) and "on deck" in closed cargo transport units or "under deck" in closed cargo transport units on a passenger vessel.

(12) Stowage category "07" means the material may be stowed "on deck" in closed cargo transport units or "under deck" on a cargo vessel (up to 12 passengers) and "on deck" only in closed cargo transport units on a passenger vessel.

(13) Stowage category "08" means the material may be stowed "on deck" in closed cargo transport units or "under deck" on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(14) Stowage category "09" means the material may be stowed "on deck only" in closed cargo transport units or "under deck" in closed cargo transport units on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(15) Stowage category "10" means the material may be stowed "on deck" in closed cargo transport units or "under deck" in closed cargo transport units on a cargo vessel (up to 12 passengers) and "on deck" only in closed cargo transport units on a passenger vessel.

(16) Stowage category "11" means the material may be stowed "on deck" in closed cargo transport units or "under deck" in magazine stowage type "c" on a cargo vessel (up to 12 passengers) and

"on deck" only in closed cargo transport units on a passenger vessel.

(17) Stowage category "12" means the material may be stowed "on deck" in closed cargo transport units or "under deck" in magazine stowage type "c" on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(18) Stowage category "13" means the material may be stowed "on deck" in closed cargo transport units or "under deck" in magazine stowage type "A" on a cargo vessel (up to 12 passengers) and "on deck" only in closed cargo transport units on a passenger vessel.

(19) Stowage category "14" means the material may be stowed "on deck" in closed cargo transport units on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(20) Stowage category "15" means the material may be stowed "on deck" in closed cargo transport units or "under deck" in closed cargo transport units on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

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BILLING CODE 4910–60–P

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Accellerene, see p-Nitrosodimethylaniline.	.....			.....		.....	.....	.....	.....	.....		.....
	Accumulators, electric, see Batteries, wet *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Acetal	3	UN1088	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	.....
	Acetaldehyde	3	UN1089	I	3	A3, B16, T11, TP2, TP7	None	201	243	Forbidden	30 L	E	.....
A	Acetaldehyde ammonia	9	UN1841	III	9	IB8, IP6	155	204	240	200 kg	200 kg	A	34
	Acetaldehyde oxime	3	UN2332	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	.....
	Acetic acid, glacial *or* Acetic acid solution, *with more than 80 percent acid, by mass.*	8	UN2789	II	8, 3	A3, A6, A7, A10, B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	.....
	Acetic acid solution, *not less than 50 percent but not more than 80 percent acid, by mass.*	8	UN2790	II	8	A3, A6, A7, A10, B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	.....
	Acetic acid solution, *with more than 10 percent and less than 50 percent acid, by mass.*	8	UN2790	III	8	IB3, T4, TP1	154	203	242	5 L	60 L	A	.....
	Acetic anhydride	8	UN1715	II	8, 3	A3, A6, A7, A10, B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	40
	Acetone	3	UN1090	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Acetone cyanohydrin, stabilized ..	6.1	UN1541	I	6.1	2, A3, B9, B14, B32, B76, B77, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	25, 40, 49
	Acetone oils	3	UN1091	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	.....
	Acetonitrile	3	UN1648	II	3	IB2, T7, TP2	150	202	242	5L	60 L	B	40
	Acetyl acetone peroxide with more than 9 percent by mass active oxygen.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Acetyl benzoyl peroxide, solid, or with more than 40 percent in solution.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Acetyl bromide	8	UN1716	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40
	Acetyl chloride	3	UN1717	II	3, 8	A3, A6, A7, IB1, N34, T8, TP2, TP12	None	202	243	1 L	5 L	B	40
	Acetyl cyclohexanesulfonyl peroxide, with more than 82 percent wetted with less than 12 percent water.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Acetyl iodide	8	UN1898	II	8	B2, IB2, T7, TP2, TP13	154	202	242	1 L	30 L	C	40
	Acetyl methyl carbinol	3	UN2621	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Acetyl peroxide, solid, or with more than 25 percent in solution.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Acetylene, dissolved	2.1	UN1001	.....	2.1		None	303	None	Forbidden	15 kg	D	25, 40, 57
	Acetylene (liquefied)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Acetylene silver nitrate	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Acetylene tetrabromide, see Tetrabromoethane.	.....			.....		.....	.....	.....	.....	.....		.....
	Acid butyl phosphate, see Butyl acid phosphate.	.....			.....		.....	.....	.....	.....	.....		.....
	Acid, sludge, *see* Sludge acid	.....			.....		.....	.....	.....	.....	.....		.....
	Acridine	6.1	UN2713	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Acrolein dimer, stabilized	3	UN2607	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	Acrolein, stabilized	6.1	UN1092	I	6.1, 3	1, B9, B14, B30, B42, B72, B77, T22, TP2, TP7, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Acrylamide	6.1	UN2074	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	12
	Acrylic acid, stabilized	8	UN2218	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	C	25, 40
	Acrylonitrile, stabilized	3	UN1093	I	3, 6.1	B9, T14, TP2, TP13	None	201	243	Forbidden	30 L	E	40
	Actuating cartridge, explosive, see Cartridges, power device.	.....			.....		.....	.....	.....	.....	.....		.....
	Adhesives, *containing a flammable liquid.*	3	UN1133	I	3	B42, T11, TP1, TP8, TP27	150	201	243	1 L	30 L	B	.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	3	B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	.....
	Adiponitrile	6.1	UN2205	III	6.1	IB3, T3, TP1	153	203	241	60 L	220 L	A	.....
	Aerosols, *corrosive, Packing Group II or III, (each not exceeding 1 L capacity).*	2.2	UN1950	.....	2.2, 8	A34	306	None	None	75 kg	150 kg	A	40, 48, 85
	Aerosols, *flammable, (each not exceeding 1 L capacity).*	2.1	UN1950	.....	2.1	N82	306	None	None	75 kg	150 kg	A	40, 48, 85
	Aerosols, flammable, n.o.s. *(engine starting fluid) (each not exceeding 1 L capacity).*	2.1	UN1950	.....	2.1	N82	306	None	None	Forbidden	150 kg	A	40, 48, 85
	Aerosols, *non-flammable, (each not exceeding 1 L capacity).*	2.2	UN1950	.....	2.2		306, 307	None	None	75 kg	150 kg	A	48, 85
	Aerosols, *poison, each not exceeding 1 L capacity.*	2.2	UN1950	.....	2.2		306	None	None	Forbidden	Forbidden	A	40, 48, 85
	Air bag inflators, compressed gas *or* Air bag modules, compressed gas *or* Seat-belt pretensioners, compressed gas.	2.2	UN3353	.....	2.2	133	166	166	166	75 kg	150 kg	A	.....
	Air bag inflators, *pyrotechnic or* Air bag modules, *pyrotechnic or* Seat-belt pretensioner, *pyrotechnic.*	1.4G	UN0503	II	1.4G		166	166	166	Forbidden	75 kg	02	24E
	Air bag inflators, *pyrotechnic or* Air bag modules, *pyrotechnic or* Seat-belt pretensioner, *pyrotechnic.*	9	UN3268	III	9		166	166	166	25 kg	100 kg	A	.....
	Air, compressed	2.2	UN1002	.....	2.2	78	306	302	302	75 kg	150 kg	A	.....
	Air, refrigerated liquid, *(cryogenic liquid).*	2.2	UN1003	.....	2.2, 5.1	T75, TP5, TP22	320	316	318, 319	Forbidden	150 kg	D	51
	Air, refrigerated liquid, *(cryogenic liquid) non-pressurized.*	2.2	UN1003	.....	2.2, 5.1	T75, TP5, TP22	320	316	318, 319	Forbidden	Forbidden	D	51
	Aircraft engines (including turbines), see Engines, internal combustion.	.....			.....		.....	.....	.....	.....	.....		.....
	Aircraft evacuation slides, see Life saving appliances *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Aircraft hydraulic power unit fuel tank *(containing a mixture of anhydrous hydrazine and monomethyl hydrazine) (M86 fuel).*	3	UN3165	I	3, 6.1, 8.		None	172	None	Forbidden	42 L	E	.....
	Aircraft survival kits, see Life saving appliances *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
G	Alcoholates solution, n.o.s., *in alcohol.*	3	UN3274	II	3, 8	IB2	None	202	243	1 L	5 L	B	.....
	Alcoholic beverages	3	UN3065	II	3	24, B1, IB2, T4, TP1	150	202	242	5 L	60 L	A	.....
	.....	.....		III	3	24, B1, IB3, N11, T2, TP1	150	203	242	60 L	220 L	A	.....
	Alcohols, n.o.s.	3	UN1987	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	E	.....
	.....	.....		II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
G	Alcohols, flammable, toxic, n.o.s.	3	UN1986	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40
	.....	.....		II	3, 6.1	IB2, T11, TP2, TP27	None	202	243	1 L	60 L	B	40
	.....	.....		III	3, 6.1	B1, IB3, T7, TP1, TP28	None	203	242	60 L	220 L	A	.....
	Aldehydes, n.o.s.	3	UN1989	I	3	T11, TP1, TP27	None	201	243	1 L	30 L	E	.....
	.....	.....		II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
G	Aldehydes, flammable, toxic, n.o.s..	3	UN1988	I	3, 6.1*	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40
	.....	.....		II	3, 6.1	IB2, T11, TP2, TP27	None	202	243	1 L	60 L	B	40
	.....	.....		III	3, 6.1	B1, IB3, T7, TP1, TP28	150	203	242	60 L	220 L	A	.....
	Aldol	6.1	UN2839	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	12
G	Alkali metal alcoholates, self-heating, corrosive, n.o.s..	4.2	UN3206	II	4.2, 8	64, IB5, IP2	None	212	242	15 kg	50 kg	B	.....
	.....	.....		III	4.2, 8	64, IB8, IP3	None	213	242	25 kg	100 kg	B	.....
	Alkali metal alloys, liquid, n.o.s.	4.3	UN1421	I	4.3	A2, A3, B48, N34	None	201	244	Forbidden	1 L	D	.....
	Alkali metal amalgam, liquid	4.3	UN1389	I	4.3	A2, A3, N34	None	201	244	Forbidden	1 L	D	40
	Alkali metal amalgam, solid	4.3	UN1389	I	4.3	IB4, IP1, N40	None	211	242	Forbidden	15 kg	D	.....
	Alkali metal amides	4.3	UN1390	II	4.3	A6, A7, A8, A19, A20, IB7, IP2	151	212	241	15 kg	50 kg	E	40
	Alkali metal dispersions, *or* Alkaline earth metal dispersions.	4.3	UN1391	I	4.3	A2, A3	None	201	244	Forbidden	1 L	D	.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Alkaline corrosive liquids, n.o.s., see Caustic alkali liquids, n.o.s..	.....			.....		.....	.....	.....	.....	.....		.....
G	Alkaline earth metal alcoholates, n.o.s..	4.2	UN3205	II	4.2	65, IB6, IP2	None	212	241	15 kg	50 kg	B	.....
	.....	.....		III	4.2	65, IB8, IP3	None	213	241	25 kg	100 kg	B	.....
	Alkaline earth metal alloys, n.o.s.	4.3	UN1393	II	4.3	A19, IB7, IP2	151	212	241	15 kg	50 kg	E	.....
	Alkaline earth metal amalgams	4.3	UN1392	I	4.3	A19, IB4, IP1, N34, N40	None	211	242	Forbidden	15 kg	D	.....
G	Alkaloids, liquid, n.o.s., *or* Alkaloid salts, liquid, n.o.s..	6.1	UN3140	I	6.1	A4, T14, TP2, TP27	None	201	243	1 L	30 L	A	.....
	.....	.....		II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	A	.....
	.....	.....		III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	.....
G	Alkaloids, solid, n.o.s. *or* Alkaloid salts, solid, n.o.s. *poisonous.*	6.1	UN1544	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	.....
	.....	.....		II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	.....	.....		III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with more than 5 percent free sulfuric acid.*	8	UN2584	II	8	B2, IB2, T8, TP2, TP12, TP13	154	202	242	1 L	30 L	B	.....
	Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with not more than 5 percent free sulfuric acid.*	8	UN2586	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	B	.....
	Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid, *with more than 5 percent free sulfuric acid.*	8	UN2583	II	8	IB6, IP2, IP4	154	212	240	15 kg	50 kg	A	.....
	Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid *with not more than 5 percent free sulfuric acid.*	8	UN2585	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	.....
	Alkylphenols, liquid, n.o.s. *(including C2-C12 homologues).*	8	UN3145	I	8	T14, TP2	None	201	243	0.5 L	2.5 L	B	.....
	.....	.....		II	8	IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	.....
	.....	.....		III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	.....
	Alkylphenols, solid, n.o.s. *(including C2-C12 homologues).*	8	UN2430	I	8	IB7, IP1, T10, TP2, TP28	None	211	242	1 kg	25 kg	B	.....
	.....	.....		II	8	IB8, IP2, IP4, T3, TP2	154	212	240	15 kg	50 kg	B	.....
	.....	.....		III	8	IB8, IP3, T3, TP1	154	213	240	25 kg	100 kg	A	.....
	Alkylsulfuric acids	8	UN2571	II	8	B2, IB2, T8, TP2, TP12, TP13	154	202	242	1 L	30 L	C	14
	Allethrin, see Pesticides, liquid, toxic, n.o.s..	.....			.....		.....	.....	.....	.....	.....		.....
	Allyl acetate	3	UN2333	II	3, 6.1	IB2, T7, TP1, TP13	None	202	243	1 L	60 L	E	40
	Allyl alcohol	6.1	UN1098	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Allyl bromide	3	UN1099	I	3, 6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	B	40
	Allyl chloride	3	UN1100	I	3, 6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	E	40
	Allyl chlorocarbonate, see Allyl chloroformate.	.....			.....		.....	.....	.....	.....	.....		.....
	Allyl chloroformate	6.1	UN1722	I	6.1, 3, 8.	2, A3, B9, B14, B32, B74, N41, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Allyl ethyl ether	3	UN2335	II	3, 6.1	IB2, T7, TP1, TP13	None	202	243	1 L	60 L	E	40
	Allyl formate	3	UN2336	I	3, 6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	E	40
	Allyl glycidyl ether	3	UN2219	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Allyl iodide	3	UN1723	II	3, 8	A3, A6, IB1, N34, T7, TP2, TP13	None	202	243	1 L	5 L	B	40
	Allyl isothiocyanate, stabilized	6.1	UN1545	II	6.1, 3	A3, A7, IB2, T7, TP2	None	202	243	Forbidden	60 L	D	40
	Allylamine	6.1	UN2334	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Allyltrichlorosilane, stabilized	8	UN1724	II	8, 3	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
	Aluminum alkyl halides	4.2	UN3052	I	4.2, 4.3	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	.....
	Aluminum alkyl hydrides	4.2	UN3076	I	4.2, 4.3	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	.....
	Aluminum alkyls	4.2	UN3051	I	4.2, 4.3	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	.....
	Aluminum borohydride *or* Aluminum borohydride in devices.	4.2	UN2870	I	4.2, 4.3	B11	None	181	244	Forbidden	Forbidden	D	.....
	Aluminum bromide, anhydrous	8	UN1725	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	40
	Aluminum bromide, solution	8	UN2580	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	.....
	Aluminum carbide	4.3	UN1394	II	4.3	A20, IB7, IP2, N41	151	212	242	15 kg	50 kg	A	.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

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							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Aluminum chloride, anhydrous	8	UN1726	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	40
	Aluminum chloride, solution	8	UN2581	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Aluminum dross, wet or hot	Forbidden											
	Aluminum ferrosilicon powder	4.3	UN1395	II	4.3, 6.1	A19, IB5, IP2	151	212	242	15 kg	50 kg	A	40, 85, 103
				III	4.3, 6.1	A19, A20, IB4	151	213	241	25 kg	100 kg	A	40, 85, 103
	Aluminum hydride	4.3	UN2463	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
D	Aluminum, molten	9	NA9260	III	9	IB3, T1, TP3	None	None	247	Forbidden	Forbidden	D	
	Aluminum nitrate	5.1	UN1438	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Aluminum phosphate solution, see Corrosive liquids, *etc.*												
	Aluminum phosphide	4.3	UN1397	I	4.3, 6.1	A8, A19, N40	None	211	242	Forbidden	15 kg	E	40, 85
	Aluminum phosphide pesticides	6.1	UN3048	I	6.1	A8, IB7, IP1	None	211	242	Forbidden	15 kg	E	40, 85
	Aluminum powder, coated	4.1	UN1309	II	4.1	IB8, IP2, IP4	151	212	240	15 kg	50 kg	A	13, 39, 101
				III	4.1	IB8, IP3	151	213	240	25 kg	100 kg	A	13, 39, 101
	Aluminum powder, uncoated	4.3	UN1396	II	4.3	A19, A20, IB7, IP2	151	212	242	15 kg	50 kg	A	39
				III	4.3	A19, A20, IB8, IP4	151	213	241	25 kg	100 kg	A	39
	Aluminum resinate	4.1	UN2715	III	4.1	IB6	151	213	240	25 kg	100 kg	A	
	Aluminum silicon powder, uncoated.	4.3	UN1398	III	4.3	A1, A19, IB8, IP4	151	213	241	25 kg	100 kg	A	40, 85, 103
	Aluminum smelting by-products *or* Aluminum remelting by-products.	4.3	UN3170	II	4.3	128, B115, IB7, IP2	None	212	242	15 kg	50 kg	B	85, 103
				III	4.3	128, B115, IB8, IP4	None	213	241	25 kg	100 kg	B	85, 103
	Amatols, see Explosives, blasting, type B.												
G	Amines, flammable, corrosive, n.o.s. *or* Polyamines, flammable, corrosive, n.o.s..	3	UN2733	I	3, 8	T14, TP1, TP27	None	201	243	0.5 L	2.5 L	D	40
				II	3, 8	IB2, T11, TP1, TP27	None	202	243	1 L	5 L	B	40
				III	3, 8	B1, IB3, T7, TP1, TP28	150	203	242	5 L	60 L	A	40
G	Amines, liquid, corrosive, flammable, n.o.s. *or* Polyamines, liquid, corrosive, flammable, n.o.s..	8	UN2734	I	8, 3	A3, A6, N34, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	A	
				II	8, 3	IB2, T11, TP2, TP27	None	202	243	1 L	30 L	A	
G	Amines, liquid, corrosive, n.o.s, *or* Polyamines, liquid, corrosive, n.o.s..	8	UN2735	I	8	A3, A6, B10, N34, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	A	
				II	8	B2, IB2, T11, TP1, TP27	154	202	242	1 L	30 L	A	
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	
G	Amines, solid, corrosive, n.o.s., *or* Polyamines, solid, corrosive n.o.s..	8	UN3259	I	8	IB7, IP1	None	211	242	1 kg	25 kg	A	
				II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
				III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	2-Amino-4-chlorophenol	6.1	UN2673	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	2-Amino-5-diethylaminopentane	6.1	UN2946	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2-Amino-4,6-Dinitrophenol, wetted *with not less than 20 percent water by mass.*	4.1	UN3317	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	2-(2-Aminoethoxy) ethanol	8	UN3055	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	N-Aminoethylpiperazine	8	UN2815	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12
+	Aminophenols (o-; m-; p-)	6.1	UN2512	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	
	Aminopropyldiethanolamine, see Amines, *etc.*												
	n-Aminopropylmorpholine, see Amines, *etc.*												
	Aminopyridines *(o-; m-; p-)*	6.1	UN2671	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	B	12, 40
I	Ammonia, anhydrous	2.3	UN1005		2.3, 8	4, T50	None	304	314, 315	Forbidden	25 kg	D	40, 57
D	Ammonia, anhydrous	2.2	UN1005		2.2	13, T50	None	304	314, 315	Forbidden	25 kg	D	40, 57
D	Ammonia solution, *relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.*	2.2	UN3318		2.2	13, T50	None	304	314, 315	Forbidden	25 kg	D	40, 57
I	Ammonia solution, *relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.*	2.3	UN3318		2.3, 8	4, T50	None	304	314, 315	Forbidden	25 kg	D	40, 57
	Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia.*	8	UN2672	III	8	IB3, T7, TP1	154	203	241	5 L	60 L	A	40, 85

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ammonia solutions, *relative density less than 0.880 at 15 degrees C in water, with more than 35 percent but not more than 50 percent ammonia.*	2.2	UN2073	.....	2.2		306	304	314, 315	Forbidden	150 kg	E	40, 57
	Ammonium arsenate	6.1	UN1546	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Ammonium azide	Forbidden											
	Ammonium bifluoride, solid, see Ammonium hydrogen difluoride, solid.												
	Ammonium bifluoride solution, see Ammonium hydrogen difluoride, solution.												
	Ammonium bromate	Forbidden											
	Ammonium chlorate	Forbidden											
	Ammonium dichromate	5.1	UN1439	II	5.1	IB8, IP2, IP4	152	212	242	5 kg	25 kg	A	
	Ammonium dinitro-o-cresolate	6.1	UN1843	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	B	36, 65, 66, 77
	Ammonium fluoride	6.1	UN2505	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	26
	Ammonium fluorosilicate	6.1	UN2854	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	26
	Ammonium fulminate	Forbidden											
	Ammonium hydrogen sulfate	8	UN2506	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	40
	Ammonium hydrogendifluoride, solid.	8	UN1727	II	8	IB8, IP2, IP4, N34	154	212	240	15 kg	50 kg	A	25, 26, 40
	Ammonium hydrogendifluoride, solution.	8	UN2817	II	8, 6.1	IB2, N34, T8, TP2, TP12, TP13	None	202	243	1 L	30 L	B	40
				III	8, 6.1	IB3, T4, TP1, TP12, TP13	154	203	241	5 L	60 L	B	40, 95
	Ammonium hydrosulfide, solution, see Ammonium sulfide solution.												
D	Ammonium hydroxide, *see* Ammonia solutions, *etc.*												
	Ammonium metavanadate	6.1	UN2859	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
D	Ammonium nitrate fertilizers	5.1	NA2072	III	5.1	7, IB8	152	213	240	25 kg	100 kg	B	48, 59, 60, 117
	Ammonium nitrate fertilizers; *uniform non-segregating mixtures of ammonium nitrate with added matter which is inorganic and chemically inert towards ammonium nitrate, with not less than 90 percent ammonium nitrate and not more than 0.2 percent combustible material (including organic material calculated as carbon), or with more than 70 percent but less than 90 percent ammonium nitrate and not more than 0.4 percent total combustible material.*	5.1	UN2067	III	5.1	52, IB8, IP3	152	213	240	25 kg	100 kg	B	48, 59, 60, 117
A W	Ammonium nitrate fertilizers: *uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/postash types or complete fertilizers of nitrogen/phosphate/postash type, with not more than 70 percent ammonium nitrate and not more than 0.4 percent total added combustible material or with not more than 45 percent ammonium nitrate with unrestricted combustible material.*	9	UN2071	III	9	132, IB8	155	213	240	200 kg	200 kg	A	
D	Ammonium nitrate-fuel oil mixture *containing only prilled ammonium nitrate and fuel oil.*	1.5D	NA0331	II	1.5D		None	62	None	Forbidden	Forbidden	10	19E
	Ammonium nitrate, liquid *(hot concentrated solution).*	5.1	UN2426	.....	5.1	B5, T7	None	None	243	Forbidden	Forbidden	D	59, 60
D	Ammonium nitrate mixed fertlizers	5.1	NA2069	III	5.1	10, IB8	152	213	240	25 kg	100 kg	B	48, 59, 60, 117
	Ammonium nitrate, *with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.*	1.1D	UN0222	II	1.1D		None	62	None	Forbidden	Forbidden	10	19E
	Ammonium nitrate, *with not more than 0.2 percent of combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.*	5.1	UN1942	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	48, 59, 60, 116
	Ammonium nitrite	Forbidden											
	Ammonium perchlorate	1.1D	UN0402	II	1.1D	107	None	62	None	Forbidden	Forbidden	10	19E
	Ammonium perchlorate	5.1	UN1442	II	5.1	107, A9, IB6, IP2	152	212	242	5 kg	25 kg	E	58, 69, 106

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ammonium permanganate	Forbidden											
	Ammonium persulfate	5.1	UN1444	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Ammonium picrate, *dry or wetted with less than 10 percent water, by mass.*	1.1D	UN0004	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E, 19E
	Ammonium picrate, wetted *with not less than 10 percent water, by mass.*	4.1	UN1310	I	4.1	23, A2, N41	None	211	None	0.5 kg	0.5 kg	D	28, 36
	Ammonium polysulfide, solution	8	UN2818	II	8, 6.1	IB2, T7, TP2, TP13	None	202	243	1 L	30 L	B	12, 26, 40
				III	8, 6.1	IB3, T4, TP1, TP13	154	203	241	5 L	60 L	B	12, 26, 40
	Ammonium polyvanadate	6.1	UN2861	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Ammonium silicofluoride, see Ammonium fluorosilicate.												
	Ammonium sulfide solution	8	UN2683	II	8, 6.1, 3.	IB1, T7, TP2, TP13	None	202	243	1 L	30 L	B	12, 22, 26, 100
	Ammunition, blank, see Cartridges for weapons, blank.												
	Ammunition, illuminating *with or without burster, expelling charge or propelling charge.*	1.2G	UN0171	II	1.2G			62	None	Forbidden	Forbidden	03	
	Ammunition, illuminating *with or without burster, expelling charge or propelling charge.*	1.3G	UN0254	II	1.3G			62	None	Forbidden	Forbidden	03	
	Ammunition, illuminating *with or without burster, expelling charge or propelling charge.*	1.4G	UN0297	II	1.4G			62	None	Forbidden	75 kg	02	
	Ammunition, incendiary *liquid or gel, with burster, expelling charge or propelling charge.*	1.3J	UN0247	II	1.3J			62	None	Forbidden	Forbidden	04	23E
	Ammunition, incendiary (water-activated contrivances) with burster, expelling charge or propelling charge, see Contrivances, water-activated, etc..												
	Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge.*	1.2H	UN0243	II	1.2H			62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge.*	1.3H	UN0244	II	1.3H			62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Ammunition, incendiary *with or without burster, expelling charge, or propelling charge.*	1.2G	UN0009	II	1.2G			62	None	Forbidden	Forbidden	03	
	Ammunition, incendiary *with or without burster, expelling charge, or propelling charge.*	1.3G	UN0010	II	1.3G			62	None	Forbidden	Forbidden	03	
	Ammunition, incendiary *with or without burster, expelling charge or propelling charge.*	1.4G	UN0300	II	1.4G			62	None	Forbidden	75 kg	02	
	Ammunition, practice	1.4G	UN0362	II	1.4G			62	None	Forbidden	75 kg	02	
	Ammunition, practice	1.3G	UN0488	II	1.3G			62	None	Forbidden	Forbidden	03	
	Ammunition, proof	1.4G	UN0363	II	1.4G			62	None	Forbidden	75 kg	02	
	Ammunition, rocket, see Warheads, rocket *etc.*												
	Ammunition, SA (small arms), see Cartridges for weapons, *etc.*												
	Ammunition, smoke (water-activated contrivances), white phosphorus, with burster, expelling charge or propelling charge, see Contrivances, water-activated, *etc. (UN 0248).*												
	Ammunition, smoke (water-activated contrivances), without white phosphorus or phosphides, with burster, expelling charge or propelling charge, see Contrivances, water-activated, *etc. (UN 0249).*												
	Ammunition smoke, white phosphorus *with burster,expelling charge, or propelling charge.*	1.2H	UN0245	II	1.2H			62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Ammunition, smoke, white phosphorus *with burster, expelling charge, or propelling charge.*	1.3H	UN0246	II	1.3H			62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Ammunition, smoke *with or without burster, expelling charge or propelling charge.*	1.2G	UN0015	II	1.2G, 8			62	None	Forbidden	Forbidden		8E, 17E, 20E

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ammunition, smoke *with or without burster, expelling charge or propelling charge.*	1.3G	UN0016	II	1.3G, 8		.....	62	None	Forbidden	Forbidden		8E, 17E, 20E
	Ammunition, smoke *with or without burster, expelling charge or propelling charge.*	1.4G	UN0303	II	1.4G, 8		.....	62	None	Forbidden	75 kg		7E, 8E, 14E, 15E, 17E
	Ammunition, sporting, see Cartridges for weapons, *etc. (UN 0012; UN 0328; UN 0339).*	.....			.....		.....	.....	.....	.....	.....		.....
	Ammunition, tear-producing, non-explosive, *without burster or expelling charge, non-fuzed.*	6.1	UN2017	II	6.1, 8		None	212	None	Forbidden	50 kg	E	13, 40
	Ammunition, tear-producing *with burster, expelling charge or propelling charge.*	1.2G	UN0018	II	1.2G, 8, 6.1.		.....	62	None	Forbidden	Forbidden		8E, 17E, 20E
	Ammunition, tear-producing *with burster, expelling charge or propelling charge.*	1.3G	UN0019	II	1.3G, 8, 6.1.		.....	62	None	Forbidden	Forbidden		8E, 17E, 20E
	Ammunition, tear-producing *with burster, expelling charge or propelling charge.*	1.4G	UN0301	II	1.4G, 8, 6.1.		.....	62	None	Forbidden	75 kg		7E, 8E, 14E, 15E, 17E
	Ammunition, toxic, non-explosive, *without burster or expelling charge, non-fuzed.*	6.1	UN2016	II	6.1		None	212	None	Forbidden	100 kg	E	13, 40
	Ammunition, toxic (water-activated contrivances), with burster, expelling charge or propelling charge, see Contrivances, water-activated, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
G	Ammunition, toxic *with burster, expelling charge, or propelling charge.*	1.2K	UN0020	II	1.2K, 6.1.		.....	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Ammunition, toxic *with burster, expelling charge, or propelling charge.*	1.3K	UN0021	II	1.3K, 6.1.		.....	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Amyl acetates	3	UN1104	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Amyl acid phosphate	8	UN2819	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	.....
	Amyl butyrates	3	UN2620	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Amyl chlorides	3	UN1107	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Amyl formates	3	UN1109	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Amyl mercaptans	3	UN1111	II	3	A3, IB2, T4, TP1	None	202	242	5 L	60 L	B	95, 102
	n-Amyl methyl ketone	3	UN1110	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Amyl nitrate	3	UN1112	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	Amyl nitrites	3	UN1113	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	40
	Amylamines	3	UN1106	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	.....
	.....	.....	.....	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	.....
	Amyltrichlorosilane	8	UN1728	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Anhydrous ammonia, *see* Ammonia, anhydrous.	.....			.....		.....	.....	.....	.....	.....		.....
	Anhydrous hydrofluoric acid, see Hydrogen fluoride, anhydrous.	.....			.....		.....	.....	.....	.....	.....		.....
+	Aniline	6.1	UN1547	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	Aniline hydrochloride	6.1	UN1548	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Aniline oil, see Aniline	.....			.....		.....	.....	.....	.....	.....		.....
	Anisidines	6.1	UN2431	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	.....
	Anisole	3	UN2222	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Anisoyl chloride	8	UN1729	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	40
	Anti-freeze, liquid, see Flammable liquids, n.o.s..	.....			.....		.....	.....	.....	.....	.....		.....
	Antimonous chloride, see Antimony trichloride.	.....			.....		.....	.....	.....	.....	.....		.....
	Antimony compounds, inorganic, liquid, n.o.s..	6.1	UN3141	III	6.1	35, IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	.....
	Antimony compounds, inorganic, solid, n.o.s..	6.1	UN1549	III	6.1	35, IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Antimony lactate	6.1	UN1550	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Antimony pentachloride, liquid	8	UN1730	II	8	B2, IB2, T7, TP2	None	202	242	1 L	30 L	C	40
	Antimony pentachloride, solutions	8	UN1731	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	40
	.....	.....	.....	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	C	40
	Antimony pentafluoride	8	UN1732	II	8, 6.1	A3, A6, A7, A10, IB2, N3, T7, TP2	None	202	243	Forbidden	30 L	D	40
	Antimony potassium tartrate	6.1	UN1551	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Antimony powder	6.1	UN2871	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Antimony sulfide and a chlorate, mixtures of.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Antimony sulfide, solid, see Antimony compounds, inorganic, n.o.s..	.....			.....		.....	.....	.....	.....	.....		.....
	Antimony trichloride, liquid	8	UN1733	II	8	B2, IB2	154	202	242	1 L	30 L	C	40
	Antimony trichloride, solid	8	UN1733	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Aqua ammonia, see Ammonia solution, *etc.*												
	Argon, compressed	2.2	UN1006		2.2		306	302	314, 315	75 kg	150 kg	A	
	Argon, refrigerated liquid *(cryogenic liquid).*	2.2	UN1951		2.2	T75, TP5	320	316	318	50 kg	500 kg	B	
	Arsenic	6.1	UN1558	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Arsenic acid, liquid	6.1	UN1553	I	6.1	T20, TP2, TP7, TP13	None	201	243	1 L	30 L	B	46
	Arsenic acid, solid	6.1	UN1554	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Arsenic bromide	6.1	UN1555	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	12, 40
	Arsenic chloride, see Arsenic trichloride.												
	Arsenic compounds, liquid, n.o.s. *inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.*	6.1	UN1556	I	6.1		None	201	243	1 L	30 L	B	40
				II	6.1	IB2	None	202	243	5 L	60 L	B	40
				III	6.1	IB3	153	203	241	60 L	220 L	B	40
	Arsenic compounds, solid, n.o.s. *inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.*	6.1	UN1557	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Arsenic pentoxide	6.1	UN1559	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Arsenic sulfide and a chlorate, mixtures of.	Forbidden											
	Arsenic trichloride	6.1	UN1560	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
	Arsenic trioxide	6.1	UN1561	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Arsenic, white, solid, see Arsenic trioxide.												
	Arsenical dust	6.1	UN1562	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Arsenical pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2760	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Arsenical pesticides, liquid, toxic	6.1	UN2994	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Arsenical pesticides, liquid, toxic, flammable *flash point not less than 23 degrees C.*	6.1	UN2993	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Arsenical pesticides, solid, toxic	6.1	UN2759	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Arsenious acid, solid, see Arsenic trioxide.												
	Arsenious and mercuric iodide solution, see Arsenic compounds, liquid, n.o.s.												
	Arsine	2.3	UN2188		2.3, 2.1	1	None	192	245	Forbidden	Forbidden	D	40
	Articles, explosive, extremely insensitive *or* Articles, EEI.	1.6N	UN0486	II	1.6N	101	None	62	None	Forbidden	Forbidden	07	
G	Articles, explosive, n.o.s.	1.4S	UN0349	II	1.4S	101	None	62	None	25 kg	100 kg	05	
G	Articles, explosive, n.o.s.	1.4B	UN0350	II	1.4B	101	None	62	None	Forbidden	Forbidden	06	
G	Articles, explosive, n.o.s.	1.4C	UN0351	II	1.4C	101	None	62	None	Forbidden	75 kg	06	
G	Articles, explosive, n.o.s.	1.4D	UN0352	II	1.4D	101	None	62	None	Forbidden	75 kg	06	
G	Articles, explosive, n.o.s.	1.4G	UN0353	II	1.4G	101	None	62	None	Forbidden	75 kg	06	
G	Articles, explosive, n.o.s.	1.1L	UN0354	II	1.1L	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Articles, explosive, n.o.s.	1.2L	UN0355	II	1.2L	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Articles, explosive, n.o.s.	1.3L	UN0356	II	1.3L	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Articles, explosive, n.o.s.	1.1C	UN0462	II	1.1C	101	None	62	None	Forbidden	Forbidden	07	
G	Articles, explosive, n.o.s.	1.1D	UN0463	II	1.1D	101	None	62	None	Forbidden	Forbidden	07	
G	Articles, explosive, n.o.s.	1.1E	UN0464	II	1.1E	101	None	62	None	Forbidden	Forbidden	07	
G	Articles, explosive, n.o.s.	1.1F	UN0465	II	1.1F	101	None	62	None	Forbidden	Forbidden	08	
G	Articles, explosive, n.o.s.	1.2C	UN0466	II	1.2C	101	None	62	None	Forbidden	Forbidden	07	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Articles, explosive, n.o.s.	1.2D	UN0467	II	1.2D	101	None	62	None	Forbidden	Forbidden	07	
G	Articles, explosive, n.o.s.	1.2E	UN0468	II	1.2E	101	None	62	None	Forbidden	Forbidden	07	
G	Articles, explosive, n.o.s.	1.2F	UN0469	II	1.2F	101	None	62	None	Forbidden	Forbidden	08	
G	Articles, explosive, n.o.s.	1.3C	UN0470	II	1.3C	101	None	62	None	Forbidden	Forbidden	07	
G	Articles, explosive, n.o.s.	1.4E	UN0471	II	1.4E	101	None	62	None	Forbidden	75 kg	06	
G	Articles, explosive, n.o.s.	1.4F	UN0472	II	1.4F	101	None	62	None	Forbidden	Forbidden	08	
	Articles, pressurized pneumatic *or* hydraulic *containing non-flammable gas.*	2.2	UN3164		2.2		306	302, 304	None	No limit	No limit	A	
	Articles, pyrophoric	1.2L	UN0380	II	1.2L		None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Articles, pyrotechnic *for technical purposes.*	1.1G	UN0428	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Articles, pyrotechnic *for technical purposes.*	1.2G	UN0429	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Articles, pyrotechnic *for technical purposes.*	1.3G	UN0430	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Articles, pyrotechnic *for technical purposes.*	1.4G	UN0431	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Articles, pyrotechnic *for technical purposes.*	1.4S	UN0432	II	1.4S		None	62	None	25 kg	100 kg	05	
D	Asbestos	9	NA2212	III	9	IB8, IP2, IP4	155	216	240	200 kg	200 kg	A	34, 40
	Ascaridole (organic peroxide)	Forbidden											
D	Asphalt, *at or above its flash point.*	3	NA1999	III	3	IB3, T1, TP3	150	203	247	Forbidden	Forbidden	D	
D	Asphalt, cut back, *see* Tars, liquid, *etc.*												
	Automobile, motorcycle, tractor, other self-propelled vehicle, engine, or other mechanical apparatus, see Vehicles *or* Battery *etc.*												
A G	Aviation regulated liquid, n.o.s.	9	UN3334		9	A35	155	204		No limit	No limit	A	
A G	Aviation regulated solid, n.o.s.	9	UN3335		9	A35	155	204		No limit	No limit	A	
	Azaurolic acid (salt of) (dry)	Forbidden											
	Azido guanidine picrate (dry)	Forbidden											
	5-Azido-1-hydroxy tetrazole	Forbidden											
	Azido hydroxy tetrazole (mercury and silver salts).	Forbidden											
	3-Azido-1,2-Propylene glycol dinitrate.	Forbidden											
	Azidodithiocarbonic acid	Forbidden											
	Azidoethyl nitrate	Forbidden											
	1-Aziridinylphosphine oxide-(tris), see Tris-(1-aziridinyl) phosphine oxide, solution.												
	Azodicarbonamide	4.1	UN3242	II	4.1	38, IB8	151	212	240	Forbidden	Forbidden	D	12, 61, 74
	Azotetrazole (dry)	Forbidden											
	Barium	4.3	UN1400	II	4.3	A19, IB7, IP2	151	212	241	15 kg	50 kg	E	
	Barium alloys, pyrophoric	4.2	UN1854	I	4.2		None	181	None	Forbidden	Forbidden	D	
	Barium azide, *dry or wetted with less than 50 percent water, by mass.*	1.1A	UN0224	II	1.1A, 6.1.	111, 117	None	62	None	Forbidden	Forbidden	12	
	Barium azide, wetted *with not less than 50 percent water, by mass.*	4.1	UN1571	I	4.1, 6.1	A2	None	182	None	Forbidden	0.5 kg	D	28
	Barium bromate	5.1	UN2719	II	5.1, 6.1	IB8, IP2, IP4	None	212	242	5 kg	25 kg	A	56, 58, 106
	Barium chlorate	5.1	UN1445	II	5.1, 6.1	A9, IB6, IP2, N34, T4, TP1	None	212	242	5 kg	25 kg	A	56, 58, 106
	Barium compounds, n.o.s.	6.1	UN1564	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Barium cyanide	6.1	UN1565	I	6.1	IB7, IP1, N74, N75	None	211	242	5 kg	50 kg	A	26, 40
	Barium hypochlorite *with more than 22 percent available chlorine.*	5.1	UN2741	II	5.1, 6.1	A7, A9, IB8, IP2, IP4, N34	152	212	None	5 kg	25 kg	B	56, 58, 106
	Barium nitrate	5.1	UN1446	II	5.1, 6.1	IB8, IP2, IP4	None	212	242	5 kg	25 kg	A	
	Barium oxide	6.1	UN1884	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Barium perchlorate	5.1	UN1447	II	5.1, 6.1	IB6, IP2, T4, TP1	None	212	242	5 kg	25 kg	A	56, 58, 106
	Barium permanganate	5.1	UN1448	II	5.1, 6.1	IB6, IP2	None	212	242	5 kg	25 kg	D	56, 58, 69, 106, 107
	Barium peroxide	5.1	UN1449	II	5.1, 6.1	IB6, IP2	None	212	242	5 kg	25 kg	A	13, 75, 106
	Barium selenate, see Selenates *or* Selenites.												
	Barium selenite, see Selenates *or* Selenites.												
	Batteries, containing sodium	4.3	UN3292	II	4.3		189	189	189	Forbidden	No limit	A	

§172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Batteries, dry, containing potassium hydroxide solid, *electric storage.*	8	UN3028	III	8		None	213	None	25 kg gross	230 kg gross	A	
	Batteries, wet, filled with acid, *electric storage.*	8	UN2794	III	8		159	159	159	30 kg gross	No limit	A	
	Batteries, wet, non-spillable, *electric storage.*	8	UN2800	III	8		159	159	159	No Limit	No Limit	A	
	Batteries, dry, *not subject to the requirements of this subchapter.*					130							
	Battery fluid, acid	8	UN2796	II	8	A3, A7, B2, B15, IB2, N6, N34, T8, TP2, TP12	154	202	242	1 L	30 L	B	
	Battery fluid, alkali	8	UN2797	II	8	B2, IB2, N6, T7, TP2	154	202	242	1 L	30 L	A	
	Battery lithium type, see Lithium batteries *etc.*												
	Battery-powered vehicle *or* Battery-powered equipment.	9	UN3171		9	134	220	220	None	No limit	No limit		
	Battery, wet, filled with acid or alkali with vehicle or mechanical equipment containing an internal combustion engine, see Vehicle, *etc. or* Engines, internal combustion, *etc.*												
+	Benzaldehyde	9	UN1990	III	9	IB3, T2, TP1	155	203	241	100 L	220 L	A	
	Benzene	3	UN1114	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Benzene diazonium chloride (dry)	Forbidden											
	Benzene diazonium nitrate (dry)	Forbidden											
	Benzene phosphorus dichloride, see Phenyl phosphorus dichloride.												
	Benzene phosphorus thiodichloride, see Phenyl phosphorus thiodichloride.												
	Benzene sulfonyl chloride	8	UN2225	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	40
	Benzene triozonide	Forbidden											
	Benzenethiol, see Phenyl mercaptan.												
	Benzidine	6.1	UN1885	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Benzol, see Benzene												
	Benzonitrile	6.1	UN2224	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	26, 40
	Benzoquinone	6.1	UN2587	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Benzotrichloride	8	UN2226	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
	Benzotrifluoride	3	UN2338	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Benzoxidiazoles (dry)	Forbidden											
	Benzoyl azide	Forbidden											
	Benzoyl chloride	8	UN1736	II	8	B2, IB2, T8, TP2, TP12, TP13	154	202	242	1 L	30 L	C	40
	Benzyl bromide	6.1	UN1737	II	6.1, 8	A3, A7, IB2, N33, N34, T8, TP2, TP12, TP13	None	202	243	1 L	30 L	D	13, 40
	Benzyl chloride	6.1	UN1738	II	6.1, 8	A3, A7, B70, IB2, N33, N42, T8, TP2, TP12, TP13	None	202	243	1 L	30 L	D	13, 40
	Benzyl chloride *unstabilized*	6.1	UN1738	II	6.1, 8	A3, A7, B8, B11, IB2, N33, N34, N43, T8, TP2, TP12, TP13	None	202	243	1 L	30 L	D	13, 40
	Benzyl chloroformate	8	UN1739	I	8	A3, A6, B4, N41, T10, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	D	40
	Benzyl iodide	6.1	UN2653	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	B	12, 40
	Benzyldimethylamine	8	UN2619	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	40, 48
	Benzylidene chloride	6.1	UN1886	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	D	40
	Beryllium compounds, n.o.s.	6.1	UN1566	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Beryllium nitrate	5.1	UN2464	II	5.1, 6.1	IB8, IP2, IP4	None	212	242	5 kg	25 kg	A	
	Beryllium, powder	6.1	UN1567	II	6.1, 4.1	IB8, IP2, IP4	None	212	242	15 kg	50 kg	A	
	Bicyclo [2,2,1] hepta-2,5-diene, stabilized *or* 2,5-Norbornadiene, stabilized.	3	UN2251	II	3	IB2, T7, TP2	150	202	242	5 L	60 L	D	
	Biphenyl triozonide	Forbidden											
	Bipyridilium pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2782	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Bipyridilium pesticides, liquid, toxic.	6.1	UN3016	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Bipyridilium pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3015	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	21, 40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	21, 40
	.....	.....		III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	21, 40
	Bipyridillium pesticides, solid, toxic	6.1	UN2781	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
	.....	.....		II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
	.....	.....		III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Bis (Aminopropyl) piperazine, see Corrosive liquid, n.o.s..	.....			.....		.....	.....	.....	.....	.....		.....
	Bisulfate, aqueous solution	8	UN2837	II	8	A7, B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A	.....
	.....	.....		III	8	A7, IB3, N34, T4, TP1	154	203	241	5 L	60 L	A	.....
	Bisulfites, aqueous solutions, n.o.s..	8	UN2693	III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	26, 40
	Black powder, compressed *or* Gunpowder, compressed *or* Black powder, in pellets *or* Gunpowder, in pellets.	1.1D	UN0028	II	1.1D		None	62	None	Forbidden	Forbidden	10	.....
	Black powder *or* Gunpowder, *granular or as a meal.*	1.1D	UN0027	II	1.1D		None	62	None	Forbidden	Forbidden	10	.....
D	Black powder for small arms	4.1	NA0027	I	4.1	70	None	170	None	Forbidden	Forbidden	E	.....
	Blasting agent, n.o.s., see Explosives, blasting *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Blasting cap assemblies, see Detonator assemblies, non-electric, *for blasting.*	.....			.....		.....	.....	.....	.....	.....		.....
	Blasting caps, electric, see Detonators, electric *for blasting.*	.....			.....		.....	.....	.....	.....	.....		.....
	Blasting caps, non-electric, see Detonators, non-electric, *for blasting.*	.....			.....		.....	.....	.....	.....	.....		.....
	Bleaching powder, see Calcium hypochlorite mixtures, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
I	Blue asbestos *(Crocidolite) or* Brown asbestos *(amosite, mysorite).*	9	UN2212	II	9	IB8, IP2, IP4	155	216	240	Forbidden	Forbidden	A	34, 40
	Bombs, photo-flash	1.1F	UN0037	II	1.1F		.....	62	None	Forbidden	Forbidden	08	.....
	Bombs, photo-flash	1.1D	UN0038	II	1.1D		.....	62	None	Forbidden	Forbidden	03	.....
	Bombs, photo-flash	1.2G	UN0039	II	1.2G		.....	62	None	Forbidden	Forbidden	03	.....
	Bombs, photo-flash	1.3G	UN0299	II	1.3G		.....	62	None	Forbidden	Forbidden	03	.....
	Bombs, smoke, non-explosive, *with corrosive liquid, without initiating device.*	8	UN2028	II	8		None	160	None	Forbidden	50 kg	E	40
	Bombs, *with bursting charge*	1.1F	UN0033	II	1.1F		.....	62	None	Forbidden	Forbidden	08	.....
	Bombs, *with bursting charge*	1.1D	UN0034	II	1.1D		.....	62	None	Forbidden	Forbidden	03	.....
	Bombs, *with bursting charge*	1.2D	UN0035	II	1.2D		.....	62	None	Forbidden	Forbidden	03	.....
	Bombs, *with bursting charge*	1.2F	UN0291	II	1.2F		.....	62	None	Forbidden	Forbidden	08	.....
	Bombs with flammable liquid, *with bursting charge.*	1.1J	UN0399	II	1.1J		.....	62	None	Forbidden	Forbidden	04	23E
	Bombs with flammable liquid, *with bursting charge.*	1.2J	UN0400	II	1.2J		.....	62	None	Forbidden	Forbidden	04	23E
	Boosters with detonator	1.1B	UN0225	II	1.1B		None	62	None	Forbidden	Forbidden	11	.....
	Boosters with detonator	1.2B	UN0268	II	1.2B		None	62	None	Forbidden	Forbidden	07	.....
	Boosters, *without detonator*	1.1D	UN0042	II	1.1D		None	62	None	Forbidden	Forbidden	07	.....
	Boosters, *without detonator*	1.2D	UN0283	II	1.2D		None	62	None	Forbidden	Forbidden	07	.....
	Borate and chlorate mixtures, see Chlorate and borate mixtures.	.....			.....		.....	.....	.....	.....	.....		.....
	Borneol	4.1	UN1312	III	4.1	A1, IB8, IP3	None	213	240	25 kg	100 kg	A	.....
+	Boron tribromide	8	UN2692	I	8, 6.1	2, A3, A7, B9, B14, B32, B74, N34, T20, TP2, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	12
	Boron trichloride	2.3	UN1741	.....	2.3, 8	3, B9, B14	None	304	314	Forbidden	Forbidden	D	25, 40
	Boron trifluoride, compressed	2.3	UN1008	.....	2.3	2, B9, B14	None	302	314, 315	Forbidden	Forbidden	D	40
	Boron trifluoride acetic acid complex.	8	UN1742	II	8	B2, B6, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	A	.....
	Boron trifluoride diethyl etherate	8	UN2604	I	8, 3	A19, T10, TP2	None	201	243	0.5 L	2.5 L	D	40
	Boron trifluoride dihydrate	8	UN2851	II	8	IB8, IP2, IP4, T7, TP2	154	212	240	15 kg	50 kg	B	12, 40,
	Boron trifluoride dimethyl etherate	4.3	UN2965	I	4.3, 8, 3.	A19, T10, TP2, TP7	None	201	243	Forbidden	1 L	D	21, 28, 40, 49, 100
	Boron trifluoride propionic acid complex.	8	UN1743	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	A	.....
	Box toe gum, see Nitrocellulose *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Bromates, inorganic, aqueous solution, n.o.s..	5.1	UN3213	II	5.1	IB2, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 106
	Bromates, inorganic, n.o.s.	5.1	UN1450	II	5.1	IB8, IP2, IP4	152	212	242	5 kg	25 kg	A	56, 58, 106
	Bromine azide	Forbidden			.....		.....	.....	.....	.....	.....		.....
+	Bromine *or* Bromine solutions	8	UN1744	I	8, 6.1	1, A3, A6, B9, B64, B85, N34, N43, T22, TP2, TP10, TP12, TP13	None	226	249	Forbidden	Forbidden		12, 40, 66, 74, 89, 90

§172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Bromine chloride	2.3	UN2901		2.3, 8, 5.1.	2, B9, B14	None	304	314, 315	Forbidden	Forbidden	D	40, 89, 90
+	Bromine pentafluoride	5.1	UN1745	I	5.1, 6.1, 8.	1, B9, B14, B30, B72, T22, TP2, TP12, TP13, TP38, TP44	None	228	244	Forbidden	Forbidden	D	25, 40, 66, 90
+	Bromine trifluoride	5.1	UN1746	I	5.1, 6.1, 8.	2, B9, B14, B32, B74, T22, TP2, TP12, TP13, TP38, TP45	None	228	244	Forbidden	Forbidden	D	25, 40, 66, 90
	4-Bromo-1,2-dinitrobenzene	Forbidden											
	4-Bromo-1,2-dinitrobenzene (unstable at 59 degrees C.).	Forbidden											
	1-Bromo-3-chloropropane	6.1	UN2688	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	1-Bromo-3-methylbutane	3	UN2341	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	1-Bromo-3-nitrobenzene (unstable at 56 degrees C).	Forbidden											
	2-Bromo-2-nitropropane-1,3-diol	4.1	UN3241	III	4.1	46, IB8, IP3	151	213	None	25 kg	50 kg	C	12, 25, 40
	Bromoacetic acid, *solid*	8	UN1938	II	8	A7, IB8, IP2, IP4, N34, T7	154	212	240	15 kg	50 kg	A	
	Bromoacetic acid, *solution*	8	UN1938	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
+	Bromoacetone	6.1	UN1569	II	6.1, 3	2, T20, TP2, TP13	None	193	245	Forbidden	Forbidden	D	40
	Bromoacetyl bromide	8	UN2513	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40
	Bromobenzene	3	UN2514	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Bromobenzyl cyanides, *liquid*	6.1	UN1694	I	6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	D	12, 40
	Bromobenzyl cyanides, *solid*	6.1	UN1694	I	6.1	T14, TP2, TP13	None	211	242	Forbidden	50 kg	D	12, 40
	1-Bromobutane	3	UN1126	II	3	IB2, T4, TP1	150	202	242	5L	60 L	B	40
	2-Bromobutane	3	UN2339	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Bromochloromethane	6.1	UN1887	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2-Bromoethyl ethyl ether	3	UN2340	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Bromoform	6.1	UN2515	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	12, 40
	Bromomethylpropanes	3	UN2342	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	2-Bromopentane	3	UN2343	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Bromopropanes	3	UN2344	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
				III	3	IB3, T2, TP1	150	203	242	60 L	220 L	A	
	3-Bromopropyne	3	UN2345	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	D	40
	Bromosilane	Forbidden											
	Bromotoluene-alpha, see Benzyl bromide.												
	Bromotrifluoroethylene	2.1	UN2419		2.1		None	304	314, 315	Forbidden	150 kg	B	40
	Bromotrifluoromethane *or* Refrigerant gas, R 13B1.	2.2	UN1009		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Brucine	6.1	UN1570	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	
	Bursters, *explosive*	1.1D	UN0043	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Butadienes, stabilized	2.1	UN1010		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Butane *see also* Petroleum gases, liquefied.	2.1	UN1011		2.1	19, T50	306	304	314, 315	Forbidden	150 kg	E	40
	Butane, butane mixtures and mixtures having similar properties in cartridges each not exceeding 500 grams, see Receptacles, *etc.*												
	Butanedione	3	UN2346	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,2,4-Butanetriol trinitrate	Forbidden											
	Butanols	3	UN1120	II	3	IB2, T4, TP1, TP29	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	tert-Butoxycarbonyl azide	Forbidden											
	Butyl acetates	3	UN1123	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyl acid phosphate	8	UN1718	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Butyl acrylates, stabilized	3	UN2348	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyl alcohols, see Butanols												
	Butyl benzenes	3	UN2709	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	n-Butyl bromide, see 1-Bromobutane.												
	n-Butyl chloride, see Chlorobutanes.												
D	sec-Butyl chloroformate	6.1	NA2742	I	6.1, 3, 8.	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	1 L	30 L	A	12, 13, 22, 25, 40, 48, 100
	n-Butyl chloroformate	6.1	UN2743	I	6.1, 8, 3.	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	12, 13, 21, 25, 40, 100
	Butyl ethers, see Dibutyl ethers												
	Butyl ethyl ether, see Ethyl butyl ether.												
	n-Butyl formate	3	UN1128	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	tert-Butyl hydroperoxide, with more than 90 percent with water.	Forbidden											
	tert-Butyl hypochlorite	4.2	UN3255	I	4.2, 8		None	211	243	Forbidden	Forbidden	D	
	N-n-Butyl imidazole	6.1	UN2690	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	tert-Butyl isocyanate	6.1	UN2484	I	6.1, 3	1, A7, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	n-Butyl isocyanate	6.1	UN2485	I	6.1, 3	2, A7, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Butyl mercaptans	3	UN2347	II	3	A3, IB2, T4, TP1	150	202	242	5 L	60 L	D	26, 95
	n-Butyl methacrylate, stabilized	3	UN2227	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyl methyl ether	3	UN2350	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Butyl nitrites	3	UN2351	I	3	T11, TP1, TP8, TP27	150	201	243	1 L	30 L	E	40
				II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	tert-Butyl peroxyacetate, with more than 76 percent in solution.	Forbidden											
	n-Butyl peroxydicarbonate, with more than 52 percent in solution.	Forbidden											
	tert-Butyl peroxyisobutyrate, with more than 77 percent in solution.	Forbidden											
	Butyl phosphoric acid, see Butyl acid phosphate.												
	Butyl propionates	3	UN1914	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	5-tert-Butyl-2,4,6-trinitro-m-xylene *or* Musk xylene.	4.1	UN2956	III	4.1		None	214	None	Forbidden	Forbidden	D	12
	Butyl vinyl ether, stabilized	3	UN2352	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	n-Butylamine	3	UN1125	II	3, 8	IB2, T7, TP1	None	202	242	1 L	5 L	B	40
	N-Butylaniline	6.1	UN2738	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	tert-Butylcyclohexylchloroformate	6.1	UN2747	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	12, 13, 25
	Butylene *see also* Petroleum gases, liquefied.	2.1	UN1012		2.1	19, T50	None	304	314, 315	Forbidden	150 kg	E	40
	1,2-Butylene oxide, stabilized	3	UN3022	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	49
	Butyltoluenes	6.1	UN2667	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Butyltrichlorosilane	8	UN1747	II	8, 3	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
	1,4-Butynediol	6.1	UN2716	III	6.1	A1, IB8, IP3	None	213	240	100 kg	200 kg	A	61, 70
	Butyraldehyde	3	UN1129	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Butyraldoxime	3	UN2840	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyric acid	8	UN2820	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12
	Butyric anhydride	8	UN2739	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Butyronitrile	3	UN2411	II	3, 6.1	IB2, T7, TP1, TP13	None	202	243	1 L	60 L	E	40
	Butyryl chloride	3	UN2353	II	3, 8	IB2, T8, TP2, TP12, TP13	None	202	243	1 L	5 L	C	40
	Cacodylic acid	6.1	UN1572	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	E	26
	Cadmium compounds	6.1	UN2570	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Caesium hydroxide	8	UN2682	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
	Caesium hydroxide solution	8	UN2681	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Calcium	4.3	UN1401	II	4.3	IB7, IP2	151	212	241	15 kg	50 kg	E	
	Calcium arsenate	6.1	UN1573	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Calcium arsenate and calcium arsenite, mixtures, solid.	6.1	UN1574	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Calcium bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.												
	Calcium carbide	4.3	UN1402	I	4.3	A1, A8, B55, B59, IB4, IP1, N34	None	211	242	Forbidden	15 kg	B	
				II	4.3	A1, A8, B55, B59, IB7, IP2, N34	151	212	241	15 kg	50 kg	B	
	Calcium chlorate	5.1	UN1452	II	5.1	IB8, IP2, IP4, N34	152	212	242	5 kg	25 kg	A	56, 58, 106
	Calcium chlorate aqueous solution.	5.1	UN2429	II	5.1	A2, IB2, N41, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 106
				III	5.1	A2, IB2, N41, T4, TP1	152	203	241	2.5 L	30 L	B	56, 68, 106
	Calcium chlorite	5.1	UN1453	II	5.1	A9, IB8, IP2, IP4, N34	152	212	242	5 kg	25 kg	A	56, 58, 106
	Calcium cyanamide *with more than 0.1 percent of calcium carbide.*	4.3	UN1403	III	4.3	A1, A19, IB8, IP4	151	213	241	25 kg	100 kg	A	
	Calcium cyanide	6.1	UN1575	I	6.1	IB7, IP1, N79, N80	None	211	242	5 kg	50 kg	A	26, 40
	Calcium dithionite *or* Calcium hydrosulfite.	4.2	UN1923	II	4.2	A19, A20, IB6, IP2	None	212	241	15 kg	50 kg	E	13
	Calcium hydride	4.3	UN1404	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
	Calcium hydrosulfite, *see* Calcium dithionite.												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry *with more than 39 percent available chlorine (8.8 percent available oxygen).*	5.1	UN1748	II	5.1	A7, A9, IB8, IP2, IP4, N34, W9	152	212	None	5 kg	25 kg	D	4, 5, 25, 48, 56, 58, 69
	Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures, *with not less than 5.5 percent but not more than 10 percent water.*	5.1	UN2880	II	5.1	IB8, IP2, IP4, W9	152	212	240	5 kg	25 kg	D	4, 5, 25, 48, 56, 58, 69
	Calcium hypochlorite mixtures, dry, *with more than 10 percent but not more than 39 percent available chlorine.*	5.1	UN2208	III	5.1	A1, A29, IB8, IP3, N34, W9	152	213	240	25 kg	100 kg	D	4, 5, 25, 48, 56, 58, 69
	Calcium manganese silicon	4.3	UN2844	III	4.3	A1, A19, IB8, IP2, IP4	151	213	241	25 kg	100 kg	A	85, 103
	Calcium nitrate	5.1	UN1454	III	5.1	34, IB8, IP3	152	213	240	25 kg	100 kg	A	
A	Calcium oxide	8	UN1910	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	Calcium perchlorate	5.1	UN1455	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	56, 58, 106
	Calcium permanganate	5.1	UN1456	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	D	56, 58, 69, 106, 107
	Calcium peroxide	5.1	UN1457	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	13, 75, 106
	Calcium phosphide	4.3	UN1360	I	4.3, 6.1	A8, A19, N40	None	211	242	Forbidden	15 kg	E	40, 85
	Calcium, pyrophoric *or* Calcium alloys, pyrophoric.	4.2	UN1855	I	4.2		None	187	None	Forbidden	Forbidden	D	
	Calcium resinate	4.1	UN1313	III	4.1	A1, A19, IB6	None	213	240	25 kg	100 kg	A	
	Calcium resinate, fused	4.1	UN1314	III	4.1	A1, A19, IB4	None	213	240	25 kg	100 kg	A	
	Calcium selenate, see Selenates *or* Selenites.												
	Calcium silicide	4.3	UN1405	II	4.3	A19, IB7, IP2	151	212	241	15 kg	50 kg	B	85, 103
				III	4.3	A1, A19, IB8, IP4	151	213	241	25 kg	100 kg	B	85, 103
	Camphor oil	3	UN1130	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Camphor, *synthetic*	4.1	UN2717	III	4.1	A1, IB8, IP3	None	213	240	25 kg	100 kg	A	
	Cannon primers, see Primers, tubular.												
	Caproic acid	8	UN2829	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Caps, blasting, see Detonators, *etc.*												
	Carbamate pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2758	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Carbamate pesticides, liquid, toxic.	6.1	UN2992	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Carbamate pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN2991	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Carbamate pesticides, solid, toxic	6.1	UN2757	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Carbolic acid, see Phenol, solid *or* Phenol, molten.												
	Carbolic acid solutions, see Phenol solutions.												
I	Carbon, activated	4.2	UN1362	III	4.2	IB8, IP3	None	213	241	0.5 kg	0.5 kg	A	12
I	Carbon, *animal or vegetable origin.*	4.2	UN1361	II	4.2	IB6	None	212	242	Forbidden	Forbidden	A	12
				III	4.2	IB8, IP3	None	213	241	Forbidden	Forbidden	A	12
	Carbon bisulfide, see Carbon disulfide.												
	Carbon dioxide	2.2	UN1013		2.2		306	302, 304	302, 314, 315.	75 kg	150 kg	A	
	Carbon dioxide and nitrous oxide mixtures.	2.2	UN1015		2.2		306	None	314, 315	75 kg	150 kg	A	
	Carbon dioxide and oxygen mixtures, compressed.	2.2	UN1014		2.2, 5.1	77	306	304	314, 315	75 kg	150 kg	A	
	Carbon dioxide, refrigerated liquid	2.2	UN2187		2.2	T75, TP5	306	304	314, 315	50 kg	500 kg	B	
A W	Carbon dioxide, solid *or* Dry ice	9	UN1845	III	None		217	217	240	200 kg	200 kg	C	40
	Carbon disulfide	3	UN1131	I	3, 6.1	B16, T14, TP2, TP7, TP13	None	201	243	Forbidden	Forbidden	D	18, 40, 115
	Carbon monoxide, compressed	2.3	UN1016		2.3, 2.1	4	None	302	314, 315	Forbidden	25 kg	D	40
	Carbon monoxide and hydrogen mixture, compressed.	2.3	UN2600		2.3, 2.1	6	None	302	302	Forbidden	Forbidden	D	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
D	Carbon monoxide, refrigerated liquid *(cryogenic liquid)*.	2.3	NA9202		2.3, 2.1	4, T75, TP5	None	316	318	Forbidden	Forbidden	D	
	Carbon tetrabromide	6.1	UN2516	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	25
	Carbon tetrachloride	6.1	UN1846	II	6.1	IB2, N36, T7, TP2	None	202	243	5 L	60 L	A	40
	Carbonyl chloride, see Phosgene												
	Carbonyl fluoride, compressed	2.3	UN2417		2.3, 8	2	None	302	None	Forbidden	Forbidden	D	40
	Carbonyl sulfide	2.3	UN2204		2.3, 2.1	3, B14	None	304	314, 315	Forbidden	25 kg	D	40
	Cartridge cases, empty primed, see Cases, cartridge, empty, with primer.												
	Cartridges, actuating, for aircraft ejector seat catapult, fire extinguisher, canopy removal or apparatus, see Cartridges, power device.												
	Cartridges, explosive, see Charges, demolition.												
	Cartridges, flash	1.1G	UN0049	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Cartridges, flash	1.3G	UN0050	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Cartridges for weapons, blank	1.1C	UN0326	II	1.1C		None	62	None	Forbidden	Forbidden	07	
	Cartridges for weapons, blank	1.2C	UN0413	II	1.2C		None	62	None	Forbidden	Forbidden	07	
	Cartridges for weapons, blank *or* Cartridges, small arms, blank.	1.4S	UN0014	II	None		63	62	None	25 kg	100 kg	05	
	Cartridges for weapons, blank *or* Cartridges, small arms, blank.	1.3C	UN0327	II	1.3C		None	62	None	Forbidden	Forbidden	07	
	Cartridges for weapons, blank *or* Cartridges, small arms, blank.	1.4C	UN0338	II	1.4C		None	62	None	Forbidden	75 kg	06	
	Cartridges for weapons, inert projectile.	1.2C	UN0328	II	1.2C		None	62	None	Forbidden	Forbidden	03	
	Cartridges for weapons, inert projectile *or* Cartridges, small arms.	1.4S	UN0012	II	None		63	62	None	25 kg	100 kg	05	
	Cartridges for weapons, inert projectile *or* Cartridges, small arms.	1.4C	UN0339	II	1.4C		None	62	None	Forbidden	75 kg	06	
	Cartridges for weapons, inert projectile *or* Cartridges, small arms.	1.3C	UN0417	II	1.3C		None	62	None	Forbidden	Forbidden	06	
	Cartridges for weapons, *with bursting charge.*	1.1F	UN0005	II	1.1F		None	62	None	Forbidden	Forbidden	08	
	Cartridges for weapons, *with bursting charge.*	1.1E	UN0006	II	1.1E		None	62	None	Forbidden	Forbidden	03	
	Cartridges for weapons, *with bursting charge.*	1.2F	UN0007	II	1.2F		None	62	None	Forbidden	Forbidden	08	
	Cartridges for weapons, *with bursting charge.*	1.2E	UN0321	II	1.2E		None	62	None	Forbidden	Forbidden	03	
	Cartridges for weapons, *with bursting charge.*	1.4F	UN0348	II	1.4F		None	62	None	Forbidden	Forbidden	08	
	Cartridges for weapons, *with bursting charge.*	1.4E	UN0412	II	1.4E		None	62	None	Forbidden	75 kg	02	
	Cartridges, oil well	1.3C	UN0277	II	1.3C		None	62	None	Forbidden	Forbidden	07	
	Cartridges, oil well	1.4C	UN0278	II	1.4C		None	62	None	Forbidden	75 kg	06	
	Cartridges, power device	1.3C	UN0275	II	1.3C		None	62	None	Forbidden	75 kg	07	
	Cartridges, power device	1.4C	UN0276	II	1.4C	110	None	62	None	Forbidden	75 kg	06	
	Cartridges, power device	1.4S	UN0323	II	1.4S	110	63	62	None	25 kg	100 kg	05	
	Cartridges, power device	1.2C	UN0381	II	1.2C		None	62	None	Forbidden	Forbidden	07	
	Cartridges, safety, blank, see Cartridges for weapons, blank *(UN 0014).*												
	Cartridges, safety, see Cartridges for weapons, *other than blank or* Cartridges, power device *(UN 0323).*												
	Cartridges, signal	1.3G	UN0054	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Cartridges, signal	1.4G	UN0312	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Cartridges, signal	1.4S	UN0405	II	1.4S		None	62	None	25 kg	100 kg	05	
D	Cartridges, small arms	ORM-D			None		63	None	None	30 kg gross	30 kg gross	A	
	Cartridges, sporting, see Cartridges for weapons, *other than blank.*												
	Cartridges, starter, jet engine, see Cartridges, power device.												
	Cases, cartridge, empty with primer.	1.4S	UN0055	II	1.4S	50	None	62	None	25 kg	100 kg	05	
	Cases, cartridges, empty with primer.	1.4C	UN0379	II	1.4C	50	None	62	None	Forbidden	75 kg	06	
	Cases, combustible, empty, without primer.	1.4C	UN0446	II	1.4C		None	62	None	Forbidden	75 kg	06	
	Cases, combustible, empty, without primer.	1.3C	UN0447	II	1.3C		None	62	None	Forbidden	Forbidden	07	
	Casinghead gasoline see Gasoline.												
A W	Castor beans *or* Castor meal *or* Castor pomace *or* Castor flake.	9	UN2969	II	None	IB8, IP2, IP4	155	204	240	No limit	No limit	E	34, 40
G	Caustic alkali liquids, n.o.s.	8	UN1719	II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	A	
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	
	Caustic potash, see Potassium hydroxide *etc.*												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Caustic soda, (etc.) see Sodium hydroxide *etc.*												
	Cells, containing sodium	4.3	UN3292	II	4.3		189	189	189	25 kg gross	No limit	A	
	Celluloid, *in block, rods, rolls, sheets, tubes, etc., except scrap.*	4.1	UN2000	III	4.1		None	213	240	25 kg	100 kg	A	
	Celluloid, scrap	4.2	UN2002	III	4.2	IB8, IP3	None	213	241	Forbidden	Forbidden	D	
	Cement, see Adhesives *containing flammable liquid.*												
	Cerium, *slabs, ingots, or rods*	4.1	UN1333	II	4.1	IB8, IP2, IP4, N34	None	212	240	15 kg	50 kg	A	74, 91
	Cerium, *turnings or gritty powder*	4.3	UN3078	II	4.3	A1, IB7, IP2	151	212	242	15 kg	50 kg	E	
	Cesium *or* Caesium	4.3	UN1407	I	4.3	A19, IB1, IP1, N34, N40	None	211	242	Forbidden	15 kg	D	
	Cesium nitrate *or* Caesium nitrate	5.1	UN1451	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
D	Charcoal *briquettes, shell, screenings, wood, etc.*	4.2	NA1361	III	4.2	IB8	151	213	240	25 kg	100 kg	A	12
	Charges, bursting, plastics bonded.	1.1D	UN0457	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Charges, bursting, plastics bonded.	1.2D	UN0458	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Charges, bursting, plastics bonded.	1.4D	UN0459	II	1.4D		None	62	None	Forbidden	75 kg	06	
	Charges, bursting, plastics bonded.	1.4S	UN0460	II	1.4S		None	62	None	25 kg	100 kg	05	
	Charges, demolition	1.1D	UN0048	II	1.1D		None	62	None	Forbidden	Forbidden	03	
	Charges, depth	1.1D	UN0056	II	1.1D		None	62	None	Forbidden	Forbidden	03	
	Charges, expelling, explosive, for fire extinguishers, see Cartridges, power device.												
	Charges, explosive, commercial *without detonator.*	1.1D	UN0442	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Charges, explosive, commercial *without detonator.*	1.2D	UN0443	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Charges, explosive, commercial *without detonator.*	1.4D	UN0444	II	1.4D		None	62	None	Forbidden	75 kg	06	
	Charges, explosive, commercial *without detonator.*	1.4S	UN0445	II	1.4S		None	62	None	25 kg	100 kg	05	
	Charges, propelling	1.1C	UN0271	II	1.1C		None	62	None	Forbidden	Forbidden	07	
	Charges, propelling	1.3C	UN0272	II	1.3C		None	62	None	Forbidden	Forbidden	07	
	Charges, propelling	1.2C	UN0415	II	1.2C		None	62	None	Forbidden	Forbidden	07	
	Charges, propelling	1.4C	UN0491	II	1.4C		None	62	None	Forbidden	75 kg	06	
	Charges, propelling, for cannon	1.3C	UN0242	II	1.3C		None	62	None	Forbidden	Forbidden	10	
	Charges, propelling, for cannon	1.1C	UN0279	II	1.1C		None	62	None	Forbidden	Forbidden	10	
	Charges, propelling, for cannon	1.2C	UN0414	II	1.2C		None	62	None	Forbidden	Forbidden	10	
	Charges, shaped, flexible, linear	1.4D	UN0237	II	1.4D		None	62	None	Forbidden	75 kg	06	
	Charges, shaped, flexible, linear	1.1D	UN0288	II	1.1D	101	None	62	None	Forbidden	Forbidden	07	
	Charges, shaped, *without detonator.*	1.1D	UN0059	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Charges, shaped, *without detonator.*	1.2D	UN0439	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Charges, shaped, *without detonator.*	1.4D	UN0440	II	1.4D		None	62	None	Forbidden	75 kg	06	
	Charges, shaped, *without detonator.*	1.4S	UN0441	II	1.4S		None	62	None	25 kg	100 kg	05	
	Charges, supplementary explosive.	1.1D	UN0060	II	1.1D		None	62	None	Forbidden	Forbidden	10	
D	Chemical kit	8	NA1760	II	8		154	161	None	1 L	30 L	B	40
	Chemical kits	9	UN3316		9	15	None	None	None	10 kg	10 kg	A	
	Chloral, anhydrous, stabilized	6.1	UN2075	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	D	40
	Chlorate and borate mixtures	5.1	UN1458	II	5.1	A9, IB8, IP2, IP4, N34	152	212	240	5 kg	25 kg	A	56, 58, 106
				III	5.1	A9, IB8, IP3, N34	152	213	240	25 kg	100 kg	A	56, 58, 106
	Chlorate and magnesium chloride mixtures.	5.1	UN1459	II	5.1	A9, IB8, IP2, IP4, N34, T4, TP1	152	212	240	5 kg	25 kg	A	56, 58, 106
				III	5.1	A9, IB8, IP3, N34, T4, TP1	152	213	240	25 kg	100 kg	A	56, 58, 106
	Chlorate of potash, see Potassium chlorate.												
	Chlorate of soda, see Sodium chlorate.												
	Chlorates, inorganic, aqueous solution, n.o.s.	5.1	UN3210	II	5.1	IB2, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 106
	Chlorates, inorganic, n.o.s.	5.1	UN1461	II	5.1	A9, IB6, IP2, N34	152	212	242	5 kg	25 kg	A	56, 58, 106
	Chloric acid aqueous solution, *with not more than 10 percent chloric acid.*	5.1	UN2626	II	5.1	IB2	None	229	None	Forbidden	Forbidden	D	56, 58, 106
	Chloride of phosphorus, see Phosphorus trichloride.												
	Chloride of sulfur, see Sulfur chloride.												
	Chlorinated lime, see Calcium hypochlorite mixtures, *etc.*												
	Chlorine	2.3	UN1017		2.3, 8	2, B9, B14, T50, TP19	None	304	314, 315	Forbidden	Forbidden	D	40, 51, 55, 62, 68, 89, 90

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Chlorine azide	Forbidden											
D	Chlorine dioxide, hydrate, frozen	5.1	NA9191	II	5.1, 6.1		None	229	None	Forbidden	Forbidden	E	
	Chlorine dioxide (not hydrate)	Forbidden											
	Chlorine pentafluoride	2.3	UN2548		2.3, 5.1, 8.	1, B7, B9, B14	None	304	314	Forbidden	Forbidden	D	40, 89, 90
	Chlorine trifluoride	2.3	UN1749		2.3, 5.1, 8.	2, B7, B9, B14	None	304	314	Forbidden	Forbidden	D	40, 89, 90
	Chlorite solution	8	UN1908	II	8	A3, A6, A7, B2, IB2, N34, T7, TP2, TP24	154	202	242	1 L	30 L	B	26
				III	8	A3, A6, A7, B2, IB3, N34, T4, TP2, TP24	154	203	241	5 L	60 L	B	26
	Chlorites, inorganic, n.o.s.	5.1	UN1462	II	5.1	A7, IB6, IP2, N34	152	212	242	5 kg	25 kg	A	56, 58, 106
	1-Chloro-1,1-difluoroethane *or* Refrigerant gas R 142b.	2.1	UN2517		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	3-Chloro-4-methylphenyl isocyanate.	6.1	UN2236	II	6.1	IB2	None	202	243	5 L	60 L	B	40
	1-Chloro-1,2,2,2-tetrafluoroethane*or* Refrigerant gas R 124.	2.2	UN1021		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	4-Chloro-o-toluidine hydrochloride	6.1	UN1579	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	1-Chloro-2,2,2-trifluoroethane *or* Refrigerant gas R 133a.	2.2	UN1983		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Chloroacetic acid, molten	6.1	UN3250	II	6.1, 8	IB1, T7, TP3	None	202	243	Forbidden	Forbidden	C	40
	Chloroacetic acid, solid	6.1	UN1751	II	6.1, 8	A3, A7, IB8, IP4, N34	None	212	242	15 kg	50 kg	A	40
	Chloroacetic acid, solution	6.1	UN1750	II	6.1, 8	A7, IB2, N34, T7, TP2	None	202	243	1 L	30 L	C	40
	Chloroacetone, stabilized	6.1	UN1695	I	6.1, 3, 8.	2, B9, B14, B32, B74, N12, N32, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	21, 40, 100
	Chloroacetone (unstabilized)	Forbidden											
+	Chloroacetonitrile	6.1	UN2668	II	6.1, 3	2, B9, B14, B32, B74, IB99, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	A	12, 26, 40
	Chloroacetophenone *(CN), liquid*	6.1	UN1697	II	6.1	A3, IB2, N12, N32, N33, T11, TP2, TP13, TP27	None	202	243	Forbidden	60 L	D	12, 40
	Chloroacetophenone *(CN), solid*	6.1	UN1697	II	6.1	A3, IB8, IP2, IP4, N12, N32, N33, N34, T7, TP2, TP13	None	212	None	Forbidden	100 kg	D	12, 40
	Chloroacetyl chloride	6.1	UN1752	I	6.1, 8	2, A3, A6, A7, B3, B8, B9, B14, B32, B74, B77, N34, N43, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Chloroanilines, liquid	6.1	UN2019	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Chloroanilines, solid	6.1	UN2018	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	
	Chloroanisidines	6.1	UN2233	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Chlorobenzene	3	UN1134	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Chlorobenzol, see Chlorobenzene												
	Chlorobenzotrifluorides	3	UN2234	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	Chlorobenzyl chlorides	6.1	UN2235	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Chlorobutanes	3	UN1127	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Chlorocresols, *liquid*	6.1	UN2669	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	12
	Chlorocresols, *solid*	6.1	UN2669	II	6.1	IB8, IP2, IP3, T7	None	212	242	25 kg	100 kg	A	12
	Chlorodifluorobromomethane *or* Refrigerant gas R 12B1.	2.2	UN1974		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Chlorodifluoromethane and chloropentafluoroethane mixture *or* Refrigerant gas R 502 *with fixed boiling point, with approximately 49 percent chlorodifluoromethane.*	2.2	UN1973		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Chlorodifluoromethane *or* Refrigerant gas R 22.	2.2	UN1018		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
+	Chlorodinitrobenzenes	6.1	UN1577	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	91
	2-Chloroethanal	6.1	UN2232	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Chloroform	6.1	UN1888	III	6.1	IB3, N36, T7, TP2	153	203	241	60 L	220 L	A	40
G	Chloroformates, toxic, corrosive, flammable, n.o.s..	6.1	UN2742	II	6.1, 8, 3.	5, IB1, T7, TP2	None	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100
G	Chloroformates, toxic, corrosive, n.o.s..	6.1	UN3277	II	6.1, 8	IB2, T8, TP2, TP13, TP28	None	202	243	1 L	30 L	A	12, 13, 25, 40
	Chloromethyl chloroformate	6.1	UN2745	II	6.1, 8	IB2, T7, TP2, TP13	None	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Chloromethyl ethyl ether	3	UN2354	II	3, 6.1	IB2, T7, TP1, TP13	None	202	243	1 L	60 L	E	40
	Chloronitroanilines	6.1	UN2237	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
+	Chloronitrobenzene, *ortho, liquid*	6.1	UN1578	II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	A	
+	Chloronitrobenzenes *meta or para, solid.*	6.1	UN1578	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	
	Chloronitrotoluenes, *liquid*	6.1	UN2433	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Chloronitrotoluenes, *solid*	6.1	UN2433	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Chloropentafluoroethane *or* Refrigerant gas R 115.	2.2	UN1020		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Chlorophenolates, liquid *or* Phenolates, liquid.	8	UN2904	III	8	IB3	154	203	241	5 L	60 L	A	
	Chlorophenolates, solid *or* Phenolates, solid.	8	UN2905	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	Chlorophenols, liquid	6.1	UN2021	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Chlorophenols, solid	6.1	UN2020	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	
	Chlorophenyltrichlorosilane	8	UN1753	II	8	A7, B2, B6, IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
+	Chloropicrin	6.1	UN1580	I	6.1	2, B7, B9, B14, B32, B46, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Chloropicrin and methyl bromide mixtures.	2.3	UN1581		2.3	2, B9, B14, T50	None	193	314, 315	Forbidden	Forbidden	D	25, 40
	Chloropicrin and methyl chloride mixtures.	2.3	UN1582		2.3	2, T50	None	193	245	Forbidden	Forbidden	D	25, 40
	Chloropicrin mixture, flammable (pressure not exceeding 14.7 psia at 115 degrees F flash point below 100 degrees F) see Toxic liquids, flammable, *etc.*												
	Chloropicrin mixtures, n.o.s.	6.1	UN1583	I	6.1	5	None	201	243	Forbidden	Forbidden	C	40
				II	6.1	IB2	None	202	243	Forbidden	Forbidden	C	40
				III	6.1	IB3	153	203	241	Forbidden	Forbidden	C	40
D	Chloropivaloyl chloride	6.1	NA9263	I	6.1, 8	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
	Chloroplatinic acid, solid	8	UN2507	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	Chloroprene, stabilized	3	UN1991	I	3, 6.1	B57, T14, TP2, TP13	None	201	243	Forbidden	30 L	D	40
	Chloroprene, uninhibited	Forbidden											
	2-Chloropropane	3	UN2356	I	3	N36, T11, TP2, TP13	150	201	243	1 L	30 L	E	
	3-Chloropropanol-1	6.1	UN2849	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2-Chloropropene	3	UN2456	I	3	A3, N36, T11, TP2	150	201	243	1 L	30 L	E	
	2-Chloropropionic acid	8	UN2511	III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	8
	2-Chloropyridine	6.1	UN2822	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	Chlorosilanes, corrosive, flammable, n.o.s..	8	UN2986	II	8, 3	IB2, T11, TP2, TP27	None	202	243	1 L	30 L	C	40
	Chlorosilanes, corrosive, n.o.s.	8	UN2987	II	8	B2, IB2, T14, TP2, TP27	154	202	242	1 L	30 L	C	40
	Chlorosilanes, flammable, corrosive, n.o.s..	3	UN2985	II	3, 8	IB1, T11, TP2, TP13, TP27	None	201	243	1 L	5 L	B	40
	Chlorosilanes, water-reactive, flammable, corrosive, n.o.s..	4.3	UN2988	I	4.3, 3, 8.	A2, T10, TP2, TP7, TP13	None	201	244	Forbidden	1 L	D	21, 28, 40, 49, 100
+	Chlorosulfonic acid *(with or without sulfur trioxide).*	8	UN1754	I	8, 6.1	2, A3, A6, A10, B9, B10, B14, B32, B74, T20, TP2, TP12, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Chlorotoluenes	3	UN2238	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Chlorotoluidines *liquid*	6.1	UN2239	III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
	Chlorotoluidines *solid*	6.1	UN2239	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	
	Chlorotrifluoromethane and trifluoromethane azeotropic mixture *or* Refrigerant gas R 503 *with approximately 60 percent chlorotrifluoromethane.*	2.2	UN2599		2.2		306	304	314, 315	75 kg	150 kg	A	
	Chlorotrifluoromethane *or* Refrigerant gas R 13.	2.2	UN1022		2.2		306	304	314, 315	75 kg	150 kg	A	
	Chromic acid solution	8	UN1755	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40
				III	8	IB3, T4, TP1, TP12	154	203	241	5 L	60 L	C	40
	Chromic anhydride, see Chromium trioxide, anhydrous.												
	Chromic fluoride, solid	8	UN1756	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	26
	Chromic fluoride, solution	8	UN1757	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Chromium nitrate	5.1	UN2720	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	

§172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Chromium oxychloride	8	UN1758	I	8	A3, A6, A7, B10, N34, T10, TP2, TP12	None	201	243	0.5 L	2.5 L	C	40, 66, 74, 89, 90
	Chromium trioxide, anhydrous	5.1	UN1463	II	5.1, 8	IB8, IP4	None	212	242	5 kg	25 kg	A	
	Chromosulfuric acid	8	UN2240	I	8	A3, A6, A7, B4, B6, N34, T10, TP2, TP12, TP13	None	201	243	0.5 L	2.5 L	B	40, 66, 74, 89, 90
	Chromyl chloride, see Chromium oxychloride.												
	Cigar and cigarette lighters, charged with fuel, see Lighters for cigars, cigarettes, *etc.*												
	Coal briquettes, hot	Forbidden											
	Coal gas, compressed	2.3	UN1023		2.3, 2.1	3	None	302	314, 315	Forbidden	25 kg	D	40
	Coal tar distillates, flammable	3	UN1136	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Coal tar dye, corrosive, liquid, n.o.s, see Dyes, liquid *or* solid, n.o.s. *or* Dye intermediates, liquid *or* solid, corrosive, n.o.s..												
	Coating solution (*includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining*).	3	UN1139	I	3	T11, TP1, TP8, TP27	150	201	243	1 L	30 L	E	
				II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cobalt naphthenates, powder	4.1	UN2001	III	4.1	A19, IB8, IP3	151	213	240	25 kg	100 kg	A	
	Cobalt resinate, precipitated	4.1	UN1318	III	4.1	A1, A19, IB6	151	213	240	25 kg	100 kg	A	
	Coke, hot	Forbidden											
	Collodion, see Nitrocellulose *etc*												
D G	Combustible liquid, n.o.s.	Combustible	NA1993	III	None	IB3,T1, T4, TP1	150	203	241	60 L	220 L	A	
G	Components, explosive train, n.o.s..	1.2B	UN0382	II	1.2B	101	None	62	None	Forbidden	Forbidden	11	
G	Components, explosive train, n.o.s..	1.4B	UN0383	II	1.4B	101	None	62	None	Forbidden	75 kg	06	
G	Components, explosive train, n.o.s..	1.4S	UN0384	II	1.4S	101	None	62	None	25 kg	100 kg	05	
G	Components, explosive train, n.o.s..	1.1B	UN0461	II	1.1B	101	None	62	None	Forbidden	Forbidden	11	
	Composition B, see Hexolite, *etc*												
D G	Compounds, cleaning liquid	8	NA1760	I	8	A7, B10, T14, TP2, TP9, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8	B2, IB2, N37, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
				III	8	IB3, N37, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
D G	Compounds, cleaning liquid	3	NA1993	I	3	T11, TP1, TP9	150	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
D G	Compounds, tree killing, liquid *or* Compounds, weed killing, liquid.	8	NA1760	I	8	A7, B10, T14, TP2, TP9, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8	B2, IB2, N37, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
				III	8	IB3, N37, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
D G	Compounds, tree killing, liquid *or* Compounds, weed killing, liquid.	3	NA1993	I	3	T11, TP1, TP9	150	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
D G	Compounds, tree killing, liquid *or* Compounds, weed killing, liquid.	6.1	NA2810	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
G	Compressed gas, flammable, n.o.s..	2.1	UN1954		2.1		306	302, 305	314, 315	Forbidden	150 kg	D	40
G	Compressed gas, n.o.s.	2.2	UN1956		2.2		306, 307	302, 305	314, 315	75 kg	150 kg	A	
G	Compressed gas, oxidizing, n.o.s.	2.2	UN3156		2.2, 5.1		306	302	314, 315	75 kg	150 kg	D	
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3304		2.3, 8	1	None	192	245	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3304		2.3, 8	2	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3304		2.3, 8	3	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3304		2.3, 8	4	None	302, 305	314, 315	Forbidden	Forbidden	D	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3305	.....	2.3, 2.1, 8.	1	None	192	245	Forbidden	Forbidden	D	17, 40
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3305	.....	2.3, 2.1, 8.	2	None	302, 305	314, 315	Forbidden	Forbidden	D	17, 40
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3305	.....	2.3, 2.1, 8.	3	None	302, 305	314, 315	Forbidden	Forbidden	D	17, 40
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3305	.....	2.3, 2.1, 8.	4	None	302, 305	314, 315	Forbidden	Forbidden	D	17, 40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation hazard Zone A.*	2.3	UN1953	.....	2.3, 2.1	1	None	192	245	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation hazard Zone B.*	2.3	UN1953	.....	2.3, 2.1	2, B9, B14	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN1953	.....	2.3, 2.1	3, B14	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN1953	.....	2.3, 2.1	4	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN1955	.....	2.3	1	None	192	245	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN1955	.....	2.3	2, B9, B14	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN1955	.....	2.3	3, B14	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN1955	.....	2.3	4	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3306	.....	2.3, 5.1, 8.	1	None	192	244	Forbidden	Forbidden	D	40, 89, 90
G I	Compressed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3306	.....	2.3, 5.1, 8.	2	None	302, 305	314, 315	Forbidden	Forbidden	D	40, 89, 90
G I	Compressed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3306	.....	2.3, 5.1, 8.	3	None	302, 305	314, 315	Forbidden	Forbidden	D	40, 89, 90
G I	Compressed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3306	.....	2.3, 5.1, 8.	4	None	302, 305	314, 315	Forbidden	Forbidden	D	40, 89, 90
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3303	.....	2.3, 5.1	1	None	192	245	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3303	.....	2.3, 5.1	2	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3303	.....	2.3, 5.1	3	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3303	.....	2.3, 5.1	4	None	302, 305	314, 315	Forbidden	Forbidden	D	40
D	Consumer commodity	ORM-D		.....	None ..		156, 306	156, 306	None	30 kg gross	30 kg gross	A	.....
	Contrivances, water-activated, *with burster, expelling charge or propelling charge.*	1.2L	UN0248	II	1.2L	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Contrivances, water-activated, *with burster, expelling charge or propelling charge.*	1.3L	UN0249	II	1.3L	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Copper acetoarsenite	6.1	UN1585	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Copper acetylide	Forbidden			.....		.....	.....	.....	.....	.....	.....	.....
	Copper amine azide	Forbidden			.....		.....	.....	.....	.....	.....	.....	.....
	Copper arsenite	6.1	UN1586	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Copper based pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2776	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
	.....	.....		II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Copper based pesticides, liquid, toxic.	6.1	UN3010	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Copper based pesticides, liquid, toxic, flammable *flash point not less than 23 degrees C.*	6.1	UN3009	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Copper based pesticides, solid, toxic.	6.1	UN2775	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
	.....	.....		III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Copper chlorate	5.1	UN2721	II	5.1	A1, IB8, IP2, IP4	152	212	242	5 kg	25 kg	A	56, 58, 106
	Copper chloride	8	UN2802	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	.....
	Copper cyanide	6.1	UN1587	II	6.1	IB8, IP2, IP4	None	204	242	25 kg	100 kg	A	26
	Copper selenate, see Selenates or Selenites.	.....					.....	.....	.....	.....	.....		.....
	Copper selenite, see Selenates or Selenites.	.....					.....	.....	.....	.....	.....		.....
	Copper tetramine nitrate	Forbidden					.....	.....	.....	.....	.....		.....
A W	Copra	4.2	UN1363	III	4.2	IB8, IP3, IP6	None	213	241	Forbidden	Forbidden	A	13, 19, 48, 119
	Cord, detonating, *flexible*	1.1D	UN0065	II	1.1D	102	63(a)	62	None	Forbidden	Forbidden	07	.....
	Cord, detonating, *flexible*	1.4D	UN0289	II	1.4D		None	62	None	Forbidden	75 kg	06	.....
	Cord detonating *or* Fuse detonating *metal clad.*	1.2D	UN0102	II	1.2D		None	62	None	Forbidden	Forbidden	07	.....
	Cord, detonating *or* Fuse, detonating *metal clad.*	1.1D	UN0290	II	1.1D		None	62	None	Forbidden	Forbidden	07	.....
	Cord, detonating, mild effect *or* Fuse, detonating, mild effect *metal clad.*	1.4D	UN0104	II	1.4D		None	62	None	Forbidden	75 kg	06	.....
	Cord, igniter	1.4G	UN0066	II	1.4G		None	62	None	Forbidden	75 kg	06	.....
	Cordeau detonant fuse, see Cord, detonating, *etc;* Cord, detonating, *flexible.*	.....					.....	.....	.....	.....	.....		.....
	Cordite, see Powder, smokeless	.....					.....	.....	.....	.....	.....		.....
G	Corrosive liquid, acidic, inorganic, n.o.s.	8	UN3264	I	8	B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
	.....	.....		II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
	.....	.....		III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquid, acidic, organic, n.o.s.	8	UN3265	I	8	B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
	.....	.....		II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
	.....	.....		III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquid, basic, inorganic, n.o.s.	8	UN3266	I	8	B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
	.....	.....		II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
	.....	.....		III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquid, basic, organic, n.o.s.	8	UN3267	I	8	B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
	.....	.....		II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
	.....	.....		III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquid, self-heating, n.o.s.	8	UN3301	I	8, 4.2	B10	None	201	243	0.5 L	2.5 L	D	.....
	.....	.....		II	8, 4.2	B2, IB1	154	202	242	1 L	30 L	D	.....
G	Corrosive liquids, flammable, n.o.s.	8	UN2920	I	8, 3	B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	C	25, 40
	.....	.....		II	8, 3	B2, IB2, T11, TP2, TP27	None	202	243	1 L	30 L	C	25, 40
G	Corrosive liquids, n.o.s.	8	UN1760	I	8	A7, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
	.....	.....		II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
	.....	.....		III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquids, oxidizing, n.o.s.	8	UN3093	I	8, 5.1		None	201	243	Forbidden	2.5 L	C	89
	.....	.....		II	8, 5.1	IB2	None	202	243	1 L	30 L	C	89
G	Corrosive liquids, toxic, n.o.s.	8	UN2922	I	8, 6.1	A7, B10, T14, TP2, TP13, TP27	None	201	243	0.5 L	2.5 L	B	40
	.....	.....		II	8, 6.1	B3, IB2, T7, TP2	None	202	243	1 L	30 L	B	40
	.....	.....		III	8, 6.1	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	B	40
G	Corrosive liquids, water-reactive, n.o.s.	8	UN3094	I	8, 4.3		None	201	243	Forbidden	1 L	E	.....
	.....	.....		II	8, 4.3		None	202	243	1 L	5 L	E	.....
G	Corrosive solid, acidic, inorganic, n.o.s.	8	UN3260	I	8	IB7, IP1	None	211	242	1 kg	25 kg	B	.....
	.....	.....		II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	B	.....
	.....	.....		III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	.....
G	Corrosive solid, acidic, organic, n.o.s.	8	UN3261	I	8	IB7, IP1	None	211	242	1 kg	25 kg	B	.....
	.....	.....		II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	B	.....
	.....	.....		III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	.....
G	Corrosive solid, basic, inorganic, n.o.s.	8	UN3262	I	8	IB7, IP1	None	211	242	1 kg	25 kg	B	.....
	.....	.....		II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	B	.....
	.....	.....		III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	.....
G	Corrosive solid, basic, organic, n.o.s.	8	UN3263	I	8	IB7, IP1	None	211	242	1 kg	25 kg	B	.....

§172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	B	.....
	.....	.....		III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	.....
G	Corrosive solids, flammable, n.o.s..	8	UN2921	I	8, 4.1	IB6	None	211	242	1 kg	25 kg	B	12, 25
	.....	.....		II	8, 4.1	IB8, IP2, IP4	None	212	242	15 kg	50 kg	B	12, 25
G	Corrosive solids, n.o.s.	8	UN1759	I	8	IB7, IP1	None	211	242	1 kg	25 kg	B	.....
	.....	.....		II	8	128, IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	.....
	.....	.....		III	8	128, IB8, IP3	154	213	240	25 kg	100 kg	A	.....
G	Corrosive solids, oxidizing, n.o.s.	8	UN3084	I	8, 5.1		None	211	242	1 kg	25 kg	C	.....
	.....	.....		II	8, 5.1	IB6, IP2	None	212	242	15 kg	50 kg	C	.....
G	Corrosive solids, self-heating, n.o.s..	8	UN3095	I	8, 4.2		None	211	243	1 kg	25 kg	C	.....
	.....	.....		II	8, 4.2	IB6, IP2	None	212	242	15 kg	50 kg	C	.....
G	Corrosive solids, toxic, n.o.s.	8	UN2923	I	8, 6.1	IB7	None	211	242	1 kg	25 kg	B	40
	.....	.....		II	8, 6.1	IB8, IP2, IP4	None	212	240	15 kg	50 kg	B	40
	.....	.....		III	8, 6.1	IB8, IP3	154	213	240	25 kg	100 kg	B	40, 95
G	Corrosive solids, water-reactive, n.o.s..	8	UN3096	I	8, 4.3	IB4, IP1	None	211	243	1 kg	25 kg	D	.....
	.....	.....		II	8, 4.3	IB6, IP2	None	212	242	15 kg	50 kg	D	.....
D W	Cotton	9	NA1365	.....	9	137, IB8, IP2, IP4, W41	None	None	None	No limit	No limit	A	.....
A W	Cotton waste, oily	4.2	UN1364	III	4.2	IB8, IP6	None	213	None	Forbidden	Forbidden	A	54
A I W	Cotton, wet	4.2	UN1365	III	4.2	IB8, IP6	None	204	241	Forbidden	Forbidden	A	.....
	Coumarin derivative pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN3024	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
	.....	.....		II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Coumarin derivative pesticides, liquid, toxic.	6.1	UN3026	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
	Coumarin derivative pesticides, liquid, toxic, flammable *flash point not less than 23 degrees C.*	6.1	UN3025	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1, 3	B1, IB3, T7, TP1, TP28	153	203	242	60 L	220 L	A	40
	Coumarin derivative pesticides, solid, toxic.	6.1	UN3027	I	6.1	IB7, IP1, T14, TP2, TP27	None	211	242	5 kg	50 kg	A	40
	.....	.....		II	6.1	IB8, IP2, IP4, T11, TP2, TP27	None	212	242	25 kg	100 kg	A	40
	.....	.....		III	6.1	IB8, IP3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	40
	Cresols	6.1	UN2076	II	6.1, 8	IB8, IP2, IP4, T7, TP2	None	202	243	1 L	30 L	B	.....
	Cresylic acid	6.1	UN2022	II	6.1, 8	IB2, T7, TP2, TP13	None	202	243	1 L	30 L	B	.....
	Crotonaldehyde, stabilized	6.1	UN1143	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
	Crotonic acid *liquid*	8	UN2823	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12
	Crotonic acid, *solid*	8	UN2823	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	12
	Crotonylene	3	UN1144	I	3	T11, TP2	150	201	243	1 L	30 L	E	.....
	Cupriethylenediamine solution	8	UN1761	II	8, 6.1	IB2, T7, TP2	None	202	243	1 L	30 L	A	.....
	.....	.....		III	8, 6.1	IB3, T7, TP1, TP28	154	203	242	5 L	60 L	A	95
	Cutters, cable, explosive	1.4S	UN0070	II	1.4S ...		None	62	None	25 kg	100 kg	05	.....
	Cyanide or cyanide mixtures, dry, see Cyanides, inorganic, solid, n.o.s..	.....			.....		.....	.....	.....	.....	.....		.....
	Cyanide solutions, n.o.s.	6.1	UN1935	I	6.1	B37, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40, 52
	.....	.....		II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	A	40, 52
	.....	.....		III	6.1	IB3, T7, TP2, TP13, TP28	153	203	241	60 L	220 L	A	40, 52
	Cyanides, inorganic, solid, n.o.s.	6.1	UN1588	I	6.1	IB7, IP1, N74, N75	None	211	242	5 kg	50 kg	A	52
	.....	.....		II	6.1	IB8, IP2, IP4, N74, N75	None	212	242	25 kg	100 kg	A	52
	.....	.....		III	6.1	IB8, IP3, N74, N75	153	213	240	100 kg	200 kg	A	52
	Cyanogen	2.3	UN1026	.....	2.3, 2.1	2	None	192	245	Forbidden	Forbidden	D	40
	Cyanogen bromide	6.1	UN1889	I	6.1, 8	A6, A8	None	211	242	1 kg	15 kg	D	40
	Cyanogen chloride, stabilized	2.3	UN1589	.....	2.3, 8	1	None	192	245	Forbidden	Forbidden	D	40
	Cyanuric chloride	8	UN2670	II	8	IB8, IP2, IP4	None	212	240	15 kg	50 kg	A	12, 40
	Cyanuric triazide	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Cyclobutane	2.1	UN2601	.....	2.1		306	304	314, 315	Forbidden	150 kg	B	40
	Cyclobutyl chloroformate	6.1	UN2744	II	6.1, 8, 3	IB1, T7, TP2, TP13	None	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	1,5,9-Cyclododecatriene	6.1	UN2518	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	40
	Cycloheptane	3	UN2241	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Cycloheptatriene	3	UN2603	II	3, 6.1	IB2, T7, TP1, TP13	None	202	243	1 L	60 L	E	40
	Cycloheptene	3	UN2242	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Cyclohexane	3	UN1145	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Cyclohexanone	3	UN1915	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclohexene	3	UN2256	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Cyclohexenyltrichlorosilane	8	UN1762	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Cyclohexyl acetate	3	UN2243	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclohexyl isocyanate	6.1	UN2488	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Cyclohexyl mercaptan	3	UN3054	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40, 95
	Cyclohexylamine	8	UN2357	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	40
	Cyclohexyltrichlorosilane	8	UN1763	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Cyclonite and cyclotetramethylenetetranitramine mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclonite and HMX mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclonite and octogen mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclonite, *see* Cyclotrimethylenetrinitramine, *etc.*												
	Cyclooctadiene phosphines, *see* 9-Phosphabicyclononanes.												
	Cyclooctadienes	3	UN2520	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclooctatetraene	3	UN2358	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Cyclopentane	3	UN1146	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	
	Cyclopentane, methyl, see Methylcyclopentane.												
	Cyclopentanol	3	UN2244	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclopentanone	3	UN2245	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclopentene	3	UN2246	II	3	IB2, IP8, T7, TP2	150	202	242	5 L	60 L	E	
	Cyclopropane	2.1	UN1027		2.1	T50	306	304	314, 315	Forbidden	150 kg	E	40
	Cyclotetramethylene tetranitramine (dry or unphlegmatized) (HMX).	Forbidden											
	Cyclotetramethylenetetranitramine, desensitized *or* Octogen, desensitized *or* HMX, desensitized.	1.1D	UN0484	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cyclotetramethylenetetranitramine, wetted *or* HMX, wetted *or* Octogen, wetted *with not less than 15 percent water, by mass.*	1.1D	UN0226	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cyclotrimethylenetrinitramine and cyclotetramethylenetetranitramine mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclotrimethylenenitramine and octogen, mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclotrimethylenetrinitramine and HMX mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclotrimethylenetrinitramine, desensitized *or* Cyclonite, desensitized *or* Hexogen, desensitized *or* RDX, desensitized.	1.1D	UN0483	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cyclotrimethylenetrinitramine, wetted *or* Cyclonite, wetted *or* Hexogen, wetted *or* RDX, wetted *with not less than 15 percent water by mass.*	1.1D	UN0072	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cymenes	3	UN2046	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dangerous Goods in Machinery *or* Dangerous Goods in Apparatus.	9	UN3363			136	None	222	None	No limit	No limit	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Decaborane	4.1	UN1868	II	4.1, 6.1	A19, A20, IB6, IP2	None	212	None	Forbidden	50 kg	A	
	Decahydronaphthalene	3	UN1147	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	n-Decane	3	UN2247	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Deflagrating metal salts of aromatic nitroderivatives, n.o.s.	1.3C	UN0132	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E
	Delay electric igniter, see Igniters												
	Depth charges, see Charges, depth.												
	Detonating relays, see Detonators, *etc.*												
	Detonator assemblies, non-electric *for blasting.*	1.1B	UN0360	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Detonator assemblies, non-electric, *for blasting.*	1.4B	UN0361	II	1.4B	103	63(f), 63(g).	62	None	Forbidden	75 kg	06	
	Detonator, assemblies, non-electric *for blasting.*	1.4S	UN0500	II	1.4S		63(f), 63(g).	62	None	25 kg	100 kg	05	
	Detonators, electric, *for blasting*	1.1B	UN0030	II	1.1B		63(f), 63(g).	62	None	Forbidden	Forbidden	11	
	Detonators, electric, *for blasting*	1.4B	UN0255	II	1.4B	103	63(f), 63(g).	62	None	Forbidden	75 kg	06	
	Detonators, electric *for blasting*	1.4S	UN0456	II	1.4S		63(f), 63(g).	62	None	25 kg	100 kg	05	
	Detonators for ammunition	1.1B	UN0073	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Detonators for ammunition	1.2B	UN0364	II	1.2B		None	62	None	Forbidden	Forbidden	11	
	Detonators for ammunition	1.4B	UN0365	II	1.4B	103	None	62	None	Forbidden	75 kg	06	
	Detonators for ammunition	1.4S	UN0366	II	1.4S		None	62	None	25 kg	100 kg	05	
	Detonators, non-electric, *for blasting.*	1.1B	UN0029	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Detonators, non-electric, *for blasting.*	1.4B	UN0267	II	1.4B	103	63(f), 63(g).	62	None	Forbidden	75 kg	06	
	Detonators, non-electric, *for blasting.*	1.4S	UN0455	II	1.4S		63(f), 63(g).	62	None	25 kg	100 kg	5	
	Deuterium, compressed	2.1	UN1957		2.1		306	302	None	Forbidden	150 kg	E	40
	Devices, small, hydrocarbon gas powered *or* Hydrocarbon gas refills for small devices *with release device.*	2.1	UN3150		2.1		306	304	None	Forbidden	150 kg	B	40
	Di-n-amylamine	3	UN2841	III	3, 6.1	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	
	Di-n-butyl peroxydicarbonate, with more than 52 percent in solution.	Forbidden											
	Di-n-butylamine	8	UN2248	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	
	2,2-Di-(tert-butylperoxy) butane, with more than 55 percent in solution.	Forbidden											
	Di-(tert-butylperoxy) phthalate, with more than 55 percent in solution.	Forbidden											
	2,2-Di-(4,4-di-tert-butylperoxycyclohexyl) propane, with more than 42 percent with inert solid.	Forbidden											
	Di-2,4-dichlorobenzoyl peroxide, with more than 75 percent with water.	Forbidden											
	1,2-Di-(dimethylamino)ethane	3	UN2372	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Di-2-ethylhexyl phosphoric acid, see Diisooctyl acid phosphate.												
	Di-(1-hydroxytetrazole) (dry)	Forbidden											
	Di-(1-naphthoyl) peroxide	Forbidden											
	a,a'-Di-(nitroxy) methylether	Forbidden											
	Di-(beta-nitroxyethyl) ammonium nitrate.	Forbidden											
	Diacetone alcohol	3	UN1148	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diacetone alcohol peroxides, with more than 57 percent in solution with more than 9 percent hydrogen peroxide, less than 26 percent diacetone alcohol and less than 9 percent water; total active oxygen content more than 9 percent by mass.	Forbidden											
	Diacetyl, see Butanedione												
	Diacetyl peroxide, solid, or with more than 25 percent in solution.	Forbidden											
	Diallylamine	3	UN2359	II	3, 6.1, 8.	IB2, T7, TP1	None	202	243	1 L	5 L	B	21, 40, 100
	Diallylether	3	UN2360	II	3, 6.1	IB2, N12, T7, TP1, TP13	None	202	243	1 L	60 L	E	40
	4,4'-Diaminodiphenyl methane	6.1	UN2651	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	
	p-Diazidobenzene	Forbidden											
	1,2-Diazidoethane	Forbidden											
	1,1'-Diazoaminonaphthalene	Forbidden											
	Diazoaminotetrazole (dry)	Forbidden											
	Diazodinitrophenol (dry)	Forbidden											

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Diazodinitrophenol, wetted *with not less than 40 percent water or mixture of alcohol and water, by mass.*	1.1A	UN0074	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	
	Diazodiphenylmethane	Forbidden											
	Diazonium nitrates (dry)	Forbidden											
	Diazonium perchlorates (dry)	Forbidden											
	1,3-Diazopropane	Forbidden											
	Dibenzyl peroxydicarbonate, with more than 87 percent with water.	Forbidden											
	Dibenzyldichlorosilane	8	UN2434	II	8	B2, IB2, T7, TP2, TP13	154	202	242	1 L	30 L	C	40
	Diborane, compressed	2.3	UN1911		2.3, 2.1	1	None	302	None	Forbidden	Forbidden	D	40, 57
D	Diborane mixtures	2.1	NA1911		2.1	5	None	302	245	Forbidden	Forbidden	D	40, 57
	Dibromoacetylene	Forbidden											
	1,2-Dibromobutan-3-one	6.1	UN2648	II	6.1	IB2	None	202	243	5 L	60 L	B	40
	Dibromochloropropane	6.1	UN2872	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
A	Dibromodifluoromethane, *R12B2*	9	UN1941	III	None	T11, TP2	155	203	241	100 L	220 L	A	25
	1,2-Dibromoethane, see Ethylene dibromide.												
	Dibromomethane	6.1	UN2664	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Dibutyl ethers	3	UN1149	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dibutylaminoethanol	6.1	UN2873	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	N,N'-Dichlorazodicarbonamidine (salts of) (dry).	Forbidden											
	1,1-Dichloro-1-nitroethane	6.1	UN2650	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	12, 40
D	3,5-Dichloro-2,4,6-trifluoropyridine	6.1	NA9264	I	6.1	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	40
	Dichloroacetic acid	8	UN1764	II	8	A3, A6, A7, B2, IB2, N34, T8, TP2, TP12	154	202	242	1 L	30 L	A	
	1,3-Dichloroacetone	6.1	UN2649	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	B	12, 40
	Dichloroacetyl chloride	8	UN1765	II	8	A3, A6, A7, B2, B6, IB2, N34, T7, TP2	154	202	242	1 L	30 L	D	40
	Dichloroacetylene	Forbidden											
+	Dichloroanilines, liquid	6.1	UN1590	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
+	Dichloroanilines, solid	6.1	UN1590	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	40
+	o-Dichlorobenzene	6.1	UN1591	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2,2'-Dichlorodiethyl ether	6.1	UN1916	II	6.1, 3	IB2, N33, N34, T7, TP2	None	202	243	5 L	60 L	A	
	Dichlorodifluoromethane and difluoroethane azeotropic mixture *or* Refrigerant gas R 500 *with approximately 74 percent dichlorodifluoromethane.*	2.2	UN2602		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Dichlorodifluoromethane *or* Refrigerant gas R 12.	2.2	UN1028		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Dichlorodimethyl ether, symmetrical.	6.1	UN2249	I	6.1		None	201	243	Forbidden	Forbidden	D	40
	1,1-Dichloroethane	3	UN2362	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	1,2-Dichloroethane, see Ethylene dichloride.												
	Dichloroethyl sulfide	Forbidden											
	1,2-Dichloroethylene	3	UN1150	II	3	IB2, T7, TP2	150	202	242	5 L	60 L	B	
	Dichlorofluoromethane *or* Refrigerant gas R21.	2.2	UN1029		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Dichloroisocyanuric acid, dry *or* Dichloroisocyanuric acid salts.	5.1	UN2465	II	5.1	28, IB8, IP4	152	212	240	5 kg	25 kg	A	13
	Dichloroisopropyl ether	6.1	UN2490	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	B	
	Dichloromethane	6.1	UN1593	III	6.1	IB3, IP8, N36, T7, TP2	153	203	241	60 L	220 L	A	
	Dichloropentanes	3	UN1152	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dichlorophenyl isocyanates	6.1	UN2250	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	B	25, 40, 48
	Dichlorophenyltrichlorosilane	8	UN1766	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	1,2-Dichloropropane	3	UN1279	II	3	IB2, N36, T4, TP1	150	202	242	5 L	60 L	B	
	1,3-Dichloropropanol-2	6.1	UN2750	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	12, 40
	Dichloropropene and propylene dichloride mixture, see 1,2-Dichloropropane.												
	Dichloropropenes	3	UN2047	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dichlorosilane	2.3	UN2189		2.3, 2.1, 8.	2, B9, B14	None	304	314, 315	Forbidden	Forbidden	D	17, 40
	1,2-Dichloro-1,1,2,2-tetrafluoroethane *or* Refrigerant gas R 114.	2.2	UN1958		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Dichlorovinylchloroarsine	Forbidden											

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Dicycloheptadiene, see Bicyclo [2,2,1] hepta-2,5-diene, stabilized.												
	Dicyclohexylamine	8	UN2565	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Dicyclohexylammonium nitrite	4.1	UN2687	III	4.1	IB8, IP3	151	213	240	25 kg	100 kg	A	48
	Dicyclopentadiene	3	UN2048	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Didymium nitrate	5.1	UN1465	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	
D	Diesel fuel	3	NA1993	III	None	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
I	Diesel fuel	3	UN1202	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diethanol nitrosamine dinitrate (dry).	Forbidden											
	Diethoxymethane	3	UN2373	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	3,3-Diethoxypropene	3	UN2374	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Diethyl carbonate	3	UN2366	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diethyl cellosolve, see Ethylene glycol diethyl ether.												
	Diethyl ether *or* Ethyl ether	3	UN1155	I	3	T11, TP2	150	201	243	1 L	30 L	E	40
	Diethyl ketone	3	UN1156	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Diethyl peroxydicarbonate, with more than 27 percent in solution.	Forbidden											
	Diethyl sulfate	6.1	UN1594	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	C	
	Diethyl sulfide	3	UN2375	II	3	IB2, T7, TP1, TP13	None	202	243	5 L	60 L	E	
	Diethylamine	3	UN1154	II	3, 8	IB2, N34, T7, TP1	None	202	243	1 L	5 L	E	40
	2-Diethylaminoethanol	8	UN2686	II	8, 3	B2, IB2, T7, TP2	None	202	243	1 L	30 L	A	
	Diethylaminopropylamine	3	UN2684	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
+	N, N-Diethylaniline	6.1	UN2432	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Diethylbenzene	3	UN2049	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diethyldichlorosilane	8	UN1767	II	8, 3	A7, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
	Diethylene glycol dinitrate	Forbidden											
	Diethyleneglycol dinitrate, desensitized *with not less than 25 percent non-volatile water-insoluble phlegmatizer, by mass.*	1.1D	UN0075	II	1.1D		None	62	None	Forbidden	Forbidden	13	21E
	Diethylenetriamine	8	UN2079	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
	N,N-Diethylethylenediamine	8	UN2685	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	
	Diethylgold bromide	Forbidden											
	Diethylthiophosphoryl chloride	8	UN2751	II	8	B2, IB2,T7, TP2	154	202	242	1 L	39 L	A	40
	Diethylzinc	4.2	UN1366	I	4.2, 4.3	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
	Difluorochloroethanes, see 1-Chloro-1,1-difluoroethanes.												
	1,1-Difluoroethane *or* Refrigerant gas R 152a.	2.1	UN1030		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	1,1-Difluoroethylene *or* Refrigerant gas R 1132a.	2.1	UN1959		2.1		306	304	None	Forbidden	150 kg	E	40
	Difluoromethane *or* Refrigerant gas R 32.	2.1	UN3252		2.1	T50	306	302	314, 315	Forbidden	150 kg	D	40
	Difluorophosphoric acid, anhydrous.	8	UN1768	II	8	A6, A7, B2, IB2, N5, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	40
	2,3-Dihydropyran	3	UN2376	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,8-Dihydroxy-2,4,5,7-tetranitroanthraquinone (chrysamminic acid).	Forbidden											
	Diiodoacetylene	Forbidden											
	Diisobutyl ketone	3	UN1157	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diisobutylamine	3	UN2361	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
	Diisobutylene, isomeric compounds.	3	UN2050	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Diisooctyl acid phosphate	8	UN1902	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Diisopropyi ether	3	UN1159	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	40
	Diisopropylamine	3	UN1158	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	
	Diisopropylbenzene hydroperoxide, with more than 72 percent in solution.	Forbidden											
	Diketene, stabilized	6.1	UN2521	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40, 49
	1,2-Dimethoxyethane	3	UN2252	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,1-Dimethoxyethane	3	UN2377	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	B	
	Dimethyl carbonate	3	UN1161	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dimethyl chlorothiophosphate, see Dimethyl thiophosphoryl chloride.												
	2,5-Dimethyl-2,5-dihydroperoxy hexane, with more than 82 percent with water.	Forbidden											
	Dimethyl disulfide	3	UN2381	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Dimethyl ether	2.1	UN1033		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Dimethyl-N-propylamine	3	UN2266	II	3, 8	IB2, T7, TP2, TP13	None	202	243	1 L	5 L	B	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Dimethyl sulfate	6.1	UN1595	I	6.1, 8	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Dimethyl sulfide	3	UN1164	II	3	IB1, IP8, T7, TP2	None	202	242	5 L	60 L	E	40
	Dimethyl thiophosphoryl chloride	6.1	UN2267	II	6.1, 8	IB2, T7, TP2	None	202	243	1 L	30 L	B	25
	Dimethylamine, anhydrous	2.1	UN1032		2.1	T50	None	304	314, 315	Forbidden	150 kg	D	40
	Dimethylamine solution	3	UN1160	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	
	2-Dimethylaminoacetonitrile	3	UN2378	II	3, 6.1	IB2, T7, TP1	None	202	243	1 L	60 L	A	26, 40
	2-Dimethylaminoethanol	8	UN2051	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	
	2-Dimethylaminoethyl acrylate	6.1	UN3302	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	D	25
	2-Dimethylaminoethyl methacrylate.	6.1	UN2522	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	B	40
	N,N-Dimethylaniline	6.1	UN2253	II	6.1	IB1, T7, TP2	None	202	243	5 L	60 L	A	
	2,3-Dimethylbutane	3	UN2457	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	
	1,3-Dimethylbutylamine	3	UN2379	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	
	Dimethylcarbamoyl chloride	8	UN2262	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
	Dimethylcyclohexanes	3	UN2263	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dimethylcyclohexylamine	8	UN2264	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	40
	Dimethyldichlorosilane	3	UN1162	II	3, 8	B77, IB2, T7, TP2, TP13	None	202	243	Forbidden	Forbidden	B	40
	Dimethyldiethoxysilane	3	UN2380	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dimethyldioxanes	3	UN2707	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	N,N-Dimethylformamide	3	UN2265	III	3	B1, IB3, T2, TP2	150	203	242	60 L	220 L	A	
	Dimethylhexane dihydroperoxide (dry).	Forbidden											
	Dimethylhydrazine, symmetrical	6.1	UN2382	I	6.1, 3	2, A7, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Dimethylhydrazine, unsymmetrical	6.1	UN1163	I	6.1, 3, 8.	2, B7, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	21, 38, 40, 100
	2,2-Dimethylpropane	2.1	UN2044		2.1		306	304	314, 315	Forbidden	150 kg	E	40
	Dimethylzinc	4.2	UN1370	I	4.2, 4.3	B11, B16, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
	Dinitro-o-cresol, *solid*	6.1	UN1598	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	
	Dinitro-o-cresol, *solution*	6.1	UN1598	II	6.1	IB2, IP2, IP4, T7, TP2	None	202	243	5 L	60 L	A	
	1,3-Dinitro-5,5-dimethyl hydantoin	Forbidden											
	Dinitro-7,8-dimethylglycoluril (dry)	Forbidden											
	1,3-Dinitro-4,5-dinitrosobenzene	Forbidden											
	1,4-Dinitro-1,1,4,4-tetramethyloibutanetetranitrate (dry).	Forbidden											
	2,4-Dinitro-1,3,5-trimethylbenzene	Forbidden											
	Dinitroanilines	6.1	UN1596	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	91
	Dinitrobenzenes, *liquid*	6.1	UN1597	II	6.1	11, IB2, T7, TP2	None	202	243	5 L	60 L	A	91
	Dinitrobenzenes, *solid*	6.1	UN1597	II	6.1	11, IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	91
	Dinitrochlorobenzene, see Chlorodinitrobenzene.												
	1,2-Dinitroethane	Forbidden											
	1,1-Dinitroethane (dry)	Forbidden											
	Dinitrogen tetroxide	2.3	UN1067		2.3, 5.1, 8.	1, B7, B14, B45, B46, B61, B66, B67, B77, T50, TP21	None	336	314	Forbidden	Forbidden	D	40, 89, 90
	Dinitroglycoluril *or* Dingu	1.1D	UN0489	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Dinitromethane	Forbidden											
	Dinitrophenol, *dry or wetted with less than 15 percent water, by mass.*	1.1D	UN0076	II	1.1D, 6.1.		None	62	None	Forbidden	Forbidden	10	5E
	Dinitrophenol solutions	6.1	UN1599	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	36
				III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	36
	Dinitrophenol, wetted *with not less than 15 percent water, by mass.*	4.1	UN1320	I	4.1, 6.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	Dinitrophenolates *alkali metals, dry or wetted with less than 15 percent water, by mass.*	1.3C	UN0077	II	1.3C, 6.1.		None	62	None	Forbidden	Forbidden	10	5E
	Dinitrophenolates, wetted *with not less than 15 percent water, by mass.*	4.1	UN1321	I	4.1, 6.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	Dinitropropylene glycol	Forbidden											
	Dinitroresorcinol, *dry or wetted with less than 15 percent water, by mass.*	1.1D	UN0078	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	2,4-Dinitroresorcinol (heavy metal salts of) (dry).	Forbidden											
	4,6-Dinitroresorcinol (heavy metal salts of) (dry).	Forbidden											
	Dinitroresorcinol, wetted *with not less than 15 percent water, by mass.*	4.1	UN1322	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	3,5-Dinitrosalicylic acid (lead salt) (dry).	Forbidden											
	Dinitrosobenzene	1.3C	UN0406	II	1.3C		None	62	None	Forbidden	Forbidden	10	
	Dinitrosobenzylamidine and salts of (dry).	Forbidden											
	2,2-Dinitrostilbene	Forbidden											
	Dinitrotoluenes, *liquid*	6.1	UN2038	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Dinitrotoluenes, molten	6.1	UN1600	II	6.1	T7, TP3	None	202	243	Forbidden	Forbidden	C	
	Dinitrotoluenes, *solid*	6.1	UN2038	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	
	1,9-Dinitroxy pentamethylene-2,4, 6,8-tetramine (dry).	Forbidden											
	Dioxane	3	UN1165	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dioxolane	3	UN1166	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Dipentene	3	UN2052	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diphenylamine chloroarsine	6.1	UN1698	I	6.1		None	201	None	Forbidden	Forbidden	D	40
	Diphenylchloroarsine, liquid	6.1	UN1699	I	6.1	A8, B14, B32, N33, N34, T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	D	40
	Diphenylchloroarsine, solid	6.1	UN1699	I	6.1	A8, B14, B32, IB7, IP1, N33, N34	None	211	242	Forbidden	15 kg	D	40
	Diphenyldichlorosilane	8	UN1769	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Diphenylmethyl bromide	8	UN1770	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	D	40
	Dipicryl sulfide, *dry or wetted with less than 10 percent water, by mass.*	1.1D	UN0401	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Dipicryl sulfide, wetted *with not less than 10 percent water, by mass.*	4.1	UN2852	I	4.1	A2, N41	None	211	None	Forbidden	0.5 kg	D	28
	Dipicrylamine, *see* Hexanitrodiphenylamine.												
	Dipropionyl peroxide, with more than 28 percent in solution.	Forbidden											
	Di-n-propyl ether	3	UN2384	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dipropyl ketone	3	UN2710	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dipropylamine	3	UN2383	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	
G	Disinfectant, liquid, corrosive, n.o.s.	8	UN1903	I	8	A7, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	
G	Disinfectants, liquid, corrosive n.o.s.	8	UN1903	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	B	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
G	Disinfectants, liquid, toxic, n.o.s.	6.1	UN3142	I	6.1	A4, T14, TP2, TP27	None	201	243	1 L	30 L	A	40
				II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	A	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
G	Disinfectants, solid, toxic, n.o.s.	6.1	UN1601	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Disodium trioxosilicate	8	UN3253	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
G	Dispersant gases, n.o.s. *see* Refrigerant gases, n.o.s.												
	Divinyl ether, stabilized	3	UN1167	I	3	T11, TP2	None	201	243	1 L	30 L	E	40
	Dodecyltrichlorosilane	8	UN1771	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Dry ice, *see* Carbon dioxide, solid												
G	Dyes, liquid, corrosive, n.o.s. or Dye intermediates, liquid, corrosive, n.o.s.	8	UN2801	I	8	11, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	A	
				II	8	11, B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	A	
				III	8	11, IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	
G	Dyes, liquid, toxic, n.o.s. *or* Dye intermediates, liquid, toxic, n.o.s.	6.1	UN1602	II	6.1	IB2	None	202	243	5 L	60 L	A	
				III	6.1	IB3	153	203	241	60 L	220 L	A	
G	Dyes, solid, corrosive, n.o.s. *or* Dye intermediates, solid, corrosive, n.o.s.	8	UN3147	I	8	IB7, IP1	None	211	242	1 kg	25 kg	A	
				II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
				III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
G	Dyes, solid, toxic, n.o.s. *or* Dye intermediates, solid, toxic, n.o.s.	6.1	UN3143	I	6.1	A5, IB7, IP1, T14, TP2, TP27	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Dynamite, see Explosive, blasting, type A.												
	Electrolyte (acid or alkali) for batteries, see Battery fluid, acid *or* Battery fluid, alkali.												
	Elevated temperature liquid, flammable, n.o.s., *with flash point above 37.8 C, at or above its flash point.*	3	UN3256	III	3	IB1, T3, TP3, TP29	None	None	247	Forbidden	Forbidden	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Elevated temperature liquid, n.o.s., *at or above 100 C and below its flash point (including molten metals, molten salts, etc.).*	9	UN3257	III	9	IB1, T3, TP3, TP29	None	None	247	Forbidden	Forbidden	A	85
	Elevated temperature solid, n.o.s., *at or above 240 C, see § 173.247(h)(4).*	9	UN3258	III	9		247(h) (4).	None	247	Forbidden	Forbidden	A	85
	Engines, internal combustion, *flammable gas powered.*	9	UN3166		9	135	220	220	220	Forbidden	No limit	A	
	Engines, internal combustion, *flammable liquid powered.*	9	UN3166		9	135	220	220	220	No limit	No limit	A	
G	Environmentally hazardous substances, liquid, n.o.s..	9	UN3082	III	9	8, IB3, T4, TP1, TP29	155	203	241	No limit	No limit	A	
G	Environmentally hazardous substances, solid, n.o.s..	9	UN3077	III	9	8, B54, IB8, N20	155	213	240	No limit	No limit	A	
	Epibromohydrin	6.1	UN2558	I	6.1, 3	T14, TP2, TP13	None	201	243	Forbidden	Forbidden	D	40
+	Epichlorohydrin	6.1	UN2023	II	6.1, 3	IB2, T7, TP2, TP13	None	202	243	5 L	60 L	A	40
	1,2-Epoxy-3-ethoxypropane	3	UN2752	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Esters, n.o.s.	3	UN3272	II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Etching acid, liquid, n.o.s., see Hydrofluoric acid, solution *etc.*												
	Ethane	2.1	UN1035		2.1		306	304	302	Forbidden	150 kg	E	40
D	Ethane-Propane mixture, refrigerated liquid.	2.1	NA1961		2.1	T75, TP5	None	316	314, 315	Forbidden	Forbidden	D	40
	Ethane, refrigerated liquid	2.1	UN1961		2.1	T75, TP5	None	None	315	Forbidden	Forbidden	D	40
	Ethanol amine dinitrate	Forbidden											
	Ethanol *or* Ethyl alcohol *or* Ethanol solutions *or* Ethyl alcohol solutions.	3	UN1170	II	3	24, IB2, T4, TP1	150	202	242	5 L	60 L	A	
				III	3	24, B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethanolamine *or* Ethanolamine solutions.	8	UN2491	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Ether, see Diethyl ether												
	Ethers, n.o.s.	3	UN3271	II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Ethyl acetate	3	UN1173	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl acrylate, stabilized	3	UN1917	II	3	IB2, T4, TP1, TP13	150	202	242	5 L	60 L	B	40
	Ethyl alcohol, *see* Ethanol												
	Ethyl aldehyde, see Acetaldehyde												
	Ethyl amyl ketone	3	UN2271	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	N-Ethyl-N-benzylaniline	6.1	UN2274	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Ethyl borate	3	UN1176	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl bromide	6.1	UN1891	II	6.1	IB2, IP8, T7, TP2, TP13	None	202	243	5 L	60 L	B	40, 85
	Ethyl bromoacetate	6.1	UN1603	II	6.1, 3	IB2, T7, TP2	None	202	243	Forbidden	Forbidden	D	40
	Ethyl butyl ether	3	UN1179	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl butyrate	3	UN1180	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethyl chloride	2.1	UN1037		2.1	B77, T50	None	322	314, 315	Forbidden	150 kg	B	40
	Ethyl chloroacetate	6.1	UN1181	II	6.1, 3	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Ethyl chloroformate	6.1	UN1182	I	6.1, 3, 8.	2, A3, A6, A7, B9, B14, B32, B74, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	21, 40, 100
	Ethyl 2-chloropropionate	3	UN2935	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
+	Ethyl chlorothioformate	8	UN2826	II	8, 6.1, 3.	2, B9, B14, B32, B74, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	A	40
	Ethyl crotonate	3	UN1862	II	3	IB2, T4, TP2	150	202	242	5 L	60 L	B	
	Ethyl ether, *see* Diethyl ether												
	Ethyl fluoride *or* Refrigerant gas R161.	2.1	UN2453		2.1		306	304	314, 315	Forbidden	150 kg	E	40
	Ethyl formate	3	UN1190	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Ethyl hydroperoxide	Forbidden											
	Ethyl isobutyrate	3	UN2385	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
+	Ethyl isocyanate	3	UN2481	I	3, 6.1	1, A7, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Ethyl lactate	3	UN1192	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethyl mercaptan	3	UN2363	I	3	T11, TP2, TP13	None	201	243	Forbidden	30 L	E	95, 102
	Ethyl methacrylate	3	UN2277	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl methyl ether	2.1	UN1039		2.1		None	201	314, 315	Forbidden	150 kg	B	40
	Ethyl methyl ketone *or* Methyl ethyl ketone.	3	UN1193	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl nitrite solutions	3	UN1194	I	3, 6.1		None	201	None	Forbidden	Forbidden	E	40, 105
	Ethyl orthoformate	3	UN2524	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethyl oxalate	6.1	UN2525	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Ethyl perchlorate	Forbidden											

§172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
D	Ethyl phosphonothioic dichloride, anhydrous.	6.1	NA2927	I	6.1, 8	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
D	Ethyl phosphonous dichloride, anhydrous *pyrophoric liquid.*	6.1	NA2845	I	6.1, 4.2	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	18
D	Ethyl phosphorodichloridate	6.1	NA2927	I	6.1, 8	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethyl propionate	3	UN1195	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl propyl ether	3	UN2615	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Ethyl silicate, see Tetraethyl silicate.												
	Ethylacetylene, stabilized	2.1	UN2452		2.1		None	304	314, 315	Forbidden	150 kg	B	40
	Ethylamine	2.1	UN1036		2.1	B77, T50	None	321	314, 315	Forbidden	150 kg	D	40
	Ethylamine, aqueous solution *with not less than 50 percent but not more than 70 percent ethylamine.*	3	UN2270	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	40
	N-Ethylaniline	6.1	UN2272	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2-Ethylaniline	6.1	UN2273	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Ethylbenzene	3	UN1175	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	N-Ethylbenzyltoluidines liquid	6.1	UN2753	III	6.1	IB3, T7, TP1	153	203	241	60 L	220 L	A	
	N-Ethylbenzyltoluidines solid	6.1	UN2753	III	6.1	IB8, IP3, T7, TP1	153	213	240	100 kg	200 kg	A	
	2-Ethylbutanol	3	UN2275	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylbutyl acetate	3	UN1177	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	2-Ethylbutyraldehyde	3	UN1178	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyldichloroarsine	6.1	UN1892	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethyldichlorosilane	4.3	UN1183	I	4.3, 8, 3.	A2, A3, A7, N34, T10, TP2, TP7, TP13	None	201	244	Forbidden	1 L	D	21, 28, 40, 49, 100
	Ethylene, acetylene and propylene in mixture, refrigerated liquid *with at least 71.5 percent ethylene with not more than 22.5 percent acetylene and not more than 6 percent propylene.*	2.1	UN3138		2.1	T75, TP5	None	304	314, 315	Forbidden	Forbidden	D	40
	Ethylene chlorohydrin	6.1	UN1135	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethylene, compressed	2.1	UN1962		2.1		306	304	302	Forbidden	150 kg	E	40
	Ethylene diamine diperchlorate	Forbidden											
	Ethylene dibromide	6.1	UN1605	I	6.1	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethylene dibromide and methyl bromide liquid mixtures, see Methyl bromide and ethylene dibromide, liquid mixtures.												
	Ethylene dichloride	3	UN1184	II	3, 6.1	IB2, T7, TP1	None	202	243	1 L	60 L	B	40
	Ethylene glycol diethyl ether	3	UN1153	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol dinitrate	Forbidden											
	Ethylene glycol monoethyl ether	3	UN1171	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol monoethyl ether acetate.	3	UN1172	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol monomethyl ether	3	UN1188	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol monomethyl ether acetate.	3	UN1189	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene oxide and carbon dioxide mixture *with more than 87 percent ethylene oxide.*	2.3	UN3300		2.3, 2.1	4	None	304	314, 315	Forbidden	Forbidden	D	40
	Ethylene oxide and carbon dioxide mixtures *with more than 9 percent but not more than 87 percent ethylene oxide.*	2.1	UN1041		2.1	T50	306	304	314, 315	Forbidden	25 kg	B	40
	Ethylene oxide and carbon dioxide mixtures *with not more than 9 percent ethylene oxide.*	2.2	UN1952		2.2		306	304	314, 315	75 kg	150 kg	A	
	Ethylene oxide and chlorotetrafluoroethane mixture *with not more than 8.8 percent ethylene oxide.*	2.2	UN3297		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Ethylene oxide and dichlorodifluoromethane mixture, *with not more than 12.5 percent ethylene oxide.*	2.2	UN3070		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Ethylene oxide and pentafluoroethane mixture *with not more than 7.9 percent ethylene oxide.*	2.2	UN3298		2.2	T50	306	304	314, 315	75 kg	150 kg	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ethylene oxide and propylene oxide mixtures, *with not more than 30 percent ethylene oxide.*	3	UN2983	I	3, 6.1	5, A11, N4, N34, T14, TP2, TP7, TP13	None	201	243	Forbidden	30 L	E	40
	Ethylene oxide and tetrafluoroethane mixture *with not more than 5.6 percent ethylene oxide.*	2.2	UN3299		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Ethylene oxide *or* Ethylene oxide with nitrogen *up to a total pressure of 1MPa (10 bar) at 50 degrees C.*	2.3	UN1040		2.3, 2.1	4, T50, TP20	None	323	323	Forbidden	25 kg	D	40
	Ethylene, refrigerated liquid *(cryogenic liquid).*	2.1	UN1038		2.1	T75, TP5	None	316	318, 319	Forbidden	Forbidden	D	40
	Ethylenediamine	8	UN1604	II	8, 3	IB2, T7, TP2	154	202	243	1 L	30 L	A	40
	Ethyleneimine, stabilized	6.1	UN1185	I	6.1, 3	1, B9, B14, B30, B72, B77, N25, N32, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Ethylhexaldehyde, see Octyl aldehydes *etc.*												
	2-Ethylhexyl chloroformate	6.1	UN2748	II	6.1, 8	IB2, T7, TP2, TP13	None	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100
	2-Ethylhexylamine	3	UN2276	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Ethylphenyldichlorosilane	8	UN2435	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	
	1-Ethylpiperidine	3	UN2386	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	
	N-Ethyltoluidines	6.1	UN2754	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Ethyltrichlorosilane	3	UN1196	II	3, 8	A7, IB1, N34, T7, TP2, TP13	None	202	243	1 L	5 L	B	40
	Etiologic agent, see Infectious substances, *etc.*												
	Explosive articles, see Articles, explosive , n.o.s. *etc.*												
	Explosive, blasting, type A	1.1D	UN0081	II	1.1D		None	62	None	Forbidden	Forbidden	10	21E
	Explosive, blasting, type B	1.1D	UN0082	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Explosive, blasting, type B *or* Agent blasting, Type B.	1.5D	UN0331	II	1.5D	105, 106	None	62	None	Forbidden	Forbidden	10	
	Explosive, blasting, type C	1.1D	UN0083	II	1.1D	123	None	62	None	Forbidden	Forbidden	10	22E
	Explosive, blasting, type D	1.1D	UN0084	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Explosive, blasting, type E	1.1D	UN0241	II	1.1D		None	62	None	Forbidden	Forbidden	10	19E
	Explosive, blasting, type E *or* Agent blasting, Type E.	1.5D	UN0332	II	1.5D	105, 106	None	62	None	Forbidden	Forbidden	10	
	Explosive, forbidden. See § 173.54.	Forbidden											
	Explosive substances, see Substances, explosive, n.o.s. *etc.*												
	Explosives, slurry, see Explosive, blasting, type E.												
	Explosives, water gels, see Explosive, blasting, type E.												
	Extracts, aromatic, liquid	3	UN1169	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Extracts, flavoring, liquid	3	UN1197	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Fabric with animal or vegetable oil, see Fibers *or* fabrics, *etc.*												
	Ferric arsenate	6.1	UN1606	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Ferric arsenite	6.1	UN1607	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Ferric chloride, anhydrous	8	UN1773	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	Ferric chloride, solution	8	UN2582	III	8	B15, IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Ferric nitrate	5.1	UN1466	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Ferrocerium	4.1	UN1323	II	4.1	59, A19, IB8, IP2, IP4	151	212	240	15 kg	50 kg	A	
	Ferrosilicon, *with 30 percent or more but less than 90 percent silicon.*	4.3	UN1408	III	4.3, 6.1	A1, A19, IB8, IP4	151	213	240	25 kg	100 kg	A	13, 40, 85, 103
	Ferrous arsenate	6.1	UN1608	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
D	Ferrous chloride, solid	8	NA1759	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
D	Ferrous chloride, solution	8	NA1760	II	8	B3, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
	Ferrous metal borings *or* Ferrous metal shavings *or* Ferrous metal turnings *or* Ferrous metal cuttings *in a form liable to self-heating.*	4.2	UN2793	III	4.2	A1, A19, IB8, IP3, IP6	None	213	241	25 kg	100 kg	A	
	Fertilizer ammoniating solution *with free ammonia.*	2.2	UN1043		2.2		306	304	314, 315	Forbidden	150 kg	E	40
A W	Fibers *or* Fabrics, animal *or* vegetable *or* Synthetic, n.o.s. *with animal or vegetable oil.*	4.2	UN1373	III	4.2	137, IB8, IP3	None	213	241	Forbidden	Forbidden	A	
	Fibers *or* Fabrics impregnated with weakly nitrated nitrocellulose, n.o.s..	4.1	UN1353	III	4.1	A1, IB8, IP3	None	213	240	25 kg	100 kg	D	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Films, nitrocellulose base, from which gelatine has been removed; film scrap, see Celluloid scrap.	.....			.....		.....	.....	.....	.....	.....		.....
	Films, nitrocellulose base, *gelatine coated (except scrap).*	4.1	UN1324	III	4.1		None	183	None	25 kg	100 kg	D	91
	Fire extinguisher charges, *corrosive liquid.*	8	UN1774	II	8	N41	154	202	None	1 L	30 L	A	.....
	Fire extinguisher charges, expelling, explosive, see Cartridges, power device.	.....			.....		.....	.....	.....	.....	.....		.....
	Fire extinguishers *containing compressed or liquefied gas.*	2.2	UN1044	.....	2.2	18, 110	309	309	None	75 kg	150 kg	A	.....
	Firelighters, solid *with flammable liquid.*	4.1	UN2623	III	4.1	A1, A19	None	213	None	25 kg	100 kg	A	.....
	Fireworks	1.1G	UN0333	II	1.1G ...	108	None	62	None	Forbidden	Forbidden	07	.....
	Fireworks	1.2G	UN0334	II	1.2G ...	108	None	62	None	Forbidden	Forbidden	07	.....
	Fireworks	1.3G	UN0335	II	1.3G ...	108	None	62	None	Forbidden	Forbidden	07	.....
	Fireworks	1.4G	UN0336	II	1.4G ...	108	None	62	None	Forbidden	75 kg	06	.....
	Fireworks	1.4S	UN0337	II	1.4S ...	108	None	62	None	25 kg	100 kg	05	.....
	First aid kits	9	UN3316	.....	9	15	None	None	None	10 kg	10 kg	A	.....
W	Fish meal, stabilized *or* Fish scrap, stabilized.	9	UN2216	III	None ..	IB8	155	218	218	No limit	No limit	A	88
	Fish meal, unstabilized *or* Fish scrap, unstabilized.	4.2	UN1374	II	4.2	A1, A19, IB8, IP2	None	212	241	15 kg	50 kg	A	119, 120
	Fissile radioactive materials, see Radioactive material, fissile, n.o.s..	.....			.....		.....	.....	.....	.....	.....		.....
	Flammable compressed gas, see Compressed *or* Liquefied gas, flammable, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Flammable compressed gas (small receptacles not fitted with a dispersion device, not refillable), see Receptacles, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Flammable gas in lighters, see Lighters *or* lighter refills, *cigarettes, containing flammable gas.*	.....			.....		.....	.....	.....	.....	.....		.....
G	Flammable liquid, toxic, corrosive, n.o.s..	3	UN3286	I	3, 6.1, 8.	T14, TP2, TP13, TP27	None	201	243	Forbidden	2.5 L	E	21, 40, 100
	.....	.....		II	3, 6.1, 8.	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	5 L	B	21, 40, 100
G	Flammable liquids, corrosive, n.o.s..	3	UN2924	I	3, 8	T14, TP2	None	201	243	0.5 L	2.5 L	E	40
	.....	.....		II	3, 8	IB2, T11, TP2, TP27	None	202	243	1 L	5 L	B	40
	.....	.....		III	3, 8	B1, IB3, T7, TP1, TP28	150	203	242	5 L	60 L	A	40
G	Flammable liquids, n.o.s.	3	UN1993	I	3	T11, TP1	150	201	243	1 L	30 L	E	.....
	.....	.....		II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, B52, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
G	Flammable liquids, toxic, n.o.s.	3	UN1992	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40
	.....	.....		II	3, 6.1	IB2, T7, TP2, TP13	None	202	243	1 L	60 L	B	40
	.....	.....		III	3, 6.1	B1, IB3, T7, TP1, TP28	150	203	242	60 L	220 L	A	.....
G	Flammable solid, corrosive, inorganic, n.o.s..	4.1	UN3180	II	4.1, 8	A1, IB6, IP2	151	212	242	15 kg	50 kg	D	40
	.....	.....		III	4.1, 8	A1, IB6	151	213	242	25 kg	100 kg	D	40
G	Flammable solid, inorganic, n.o.s.	4.1	UN3178	II	4.1	A1, IB8, IP2, IP4	151	212	240	15 kg	50 kg	B	.....
	.....	.....		III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	B	.....
G	Flammable solid, organic, molten, n.o.s..	4.1	UN3176	II	4.1	IB1, T3, TP3, TP26	151	212	240	Forbidden	Forbidden	C	.....
	.....	.....		III	4.1	IB1, T1, TP3, TP26	151	213	240	Forbidden	Forbidden	C	.....
G	Flammable solid, oxidizing, n.o.s.	4.1	UN3097	II	4.1, 5.1	131	None	214	214	Forbidden	Forbidden	E	40
	.....	.....		III	4.1, 5.1	131	None	214	214	Forbidden	Forbidden	D	40
G	Flammable solid, toxic, inorganic, n.o.s..	4.1	UN3179	II	4.1, 6.1	A1, IB6, IP2	151	212	242	15 kg	50 kg	B	40
	.....	.....		III	4.1, 6.1	A1, IB6	151	213	242	25 kg	100 kg	B	40
G	Flammable solids, corrosive, organic, n.o.s..	4.1	UN2925	II	4.1, 8	A1, IB6, IP2	None	212	242	15 kg	50 kg	D	40
	.....	.....		III	4.1, 8	A1, IB6	151	213	242	25 kg	100 kg	D	40
G	Flammable solids, organic, n.o.s.	4.1	UN1325	II	4.1	A1, IB8, IP2, IP4, T3, TP1	151	212	240	15 kg	50 kg	B	.....
	.....	.....		III	4.1	A1, IB8, IP3, T1, TP1	151	213	240	25 kg	100 kg	B	.....
G	Flammable solids, toxic, organic, n.o.s..	4.1	UN2926	II	4.1, 6.1	A1, IB6, IP2	None	212	242	15 kg	50 kg	B	40
	.....	.....		III	4.1, 6.1	A1, IB6	151	213	242	25 kg	100 kg	B	40
	Flares, aerial	1.3G	UN0093	II	1.3G ...		None	62	None	Forbidden	75 kg	07	.....
	Flares, aerial	1.4G	UN0403	II	1.4G ...		None	62	None	Forbidden	75 kg	06	.....
	Flares, aerial	1.4S	UN0404	II	1.4S ...		None	62	None	25 kg	100 kg	05	.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Flares, aerial	1.1G	UN0420	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Flares, aerial	1.2G	UN0421	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Flares, airplane, see Flares, aerial.												
	Flares, signal, see Cartridges, signal.												
	Flares, surface	1.3G	UN0092	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Flares, surface	1.1G	UN0418	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Flares, surface	1.2G	UN0419	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Flares, water-activated, see Contrivances, water-activated, *etc.*												
	Flash powder	1.1G	UN0094	II	1.1G		None	62	None	Forbidden	Forbidden	15	
	Flash powder	1.3G	UN0305	II	1.3G		None	62	None	Forbidden	Forbidden	15	
	Flue dusts, poisonous, see Arsenical dust.												
	Fluoric acid, see Hydrofluoric acid, *etc.*												
	Fluorine, compressed	2.3	UN1045		2.3, 5.1, 8.	1	None	302	None	Forbidden	Forbidden	D	40, 89, 90
	Fluoroacetic acid	6.1	UN2642	I	6.1	IB7, IP1	None	211	242	1 kg	15 kg	E	
	Fluoroanilines	6.1	UN2941	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Fluorobenzene	3	UN2387	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Fluoroboric acid	8	UN1775	II	8	A6, A7, B2, B15, IB2, N3, N34, T7, TP2	154	202	242	1 L	30 L	A	
	Fluorophosphoric acid anhydrous	8	UN1776	II	8	A6, A7, B2, IB2, N3, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	
	Fluorosilicates, n.o.s.	6.1	UN2856	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	26
	Fluorosilicic acid	8	UN1778	II	8	A6, A7, B2, B15, IB2, N3, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	
	Fluorosulfonic acid	8	UN1777	I	8	A3, A6, A7, A10, B6, B10, N3, T10, TP2, TP12	None	201	243	0.5 L	2.5 L	D	40
	Fluorotoluenes	3	UN2388	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Forbidden materials. See § 173.21.	Forbidden											
	Formaldehyde, solutions, flammable.	3	UN1198	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Formaldehyde, solutions, *with not less than 25 percent formaldehyde.*	8	UN2209	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Formalin, see Formaldehyde, solutions.												
	Formic acid	8	UN1779	II	8	B2, B28, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
	Fracturing devices, explosive, *without detonators for oil wells.*	1.1D	UN0099	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Fuel, aviation, turbine engine	3	UN1863	I	3	T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
D	Fuel oil *(No. 1, 2, 4, 5, or 6)*	3	NA1993	III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Fuel system components (including fuel control units (FCU), carburetors, fuel lines, fuel pumps) see Dangerous Goods in Apparatus *or* Dangerous Goods in Machinery.												
	Fulminate of mercury (dry)	Forbidden											
	Fulminate of mercury, wet, see Mercury fulminate, *etc.*												
	Fulminating gold	Forbidden											
	Fulminating mercury	Forbidden											
	Fulminating platinum	Forbidden											
	Fulminating silver	Forbidden											
	Fulminic acid	Forbidden											
	Fumaryl chloride	8	UN1780	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	8, 40
	Fumigated lading, see §§ 172.302(g), 173.9 and 176.76(h).												
	Fumigated transport vehicle or freight container see 173.9.												
	Furaldehydes	6.1	UN1199	II	6.1, 3	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Furan	3	UN2389	I	3	T12, TP2, TP13	None	201	243	1 L	30 L	E	40
	Furfuryl alcohol	6.1	UN2874	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	26, 74
	Furfurylamine	3	UN2526	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Fuse, detonating, *metal clad, see* Cord, detonating, *metal clad.*												
	Fuse, detonating, mild effect, *metal clad, see* Cord, detonating, mild effect, *metal clad.*												
	Fuse, igniter *tubular metal clad*	1.4G	UN0103	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Fuse, non-detonating *instantaneous or quickmatch.*	1.3G	UN0101	II	1.3G		None	62	None	Forbidden	Forbidden	07	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Fuse, safety	1.4S	UN0105	II	1.4S		None	62	None	25 kg	100 kg	05	
D	Fusee (*railway or highway*)	4.1	NA1325	II	4.1		None	184	None	15 kg	50 kg	B	
	Fusel oil	3	UN1201	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Fuses, tracer, see Tracers for ammunition.												
	Fuzes, combination, percussion and time, see Fuzes, detonating *(UN0257, UN0367);* Fuzes, igniting *(UN0317, UN0368).*												
	Fuzes, detonating	1.1B	UN0106	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Fuzes, detonating	1.2B	UN0107	II	1.2B		None	62	None	Forbidden	Forbidden	11	
	Fuzes, detonating	1.4B	UN0257	II	1.4B	116	None	62	None	Forbidden	75 kg	06	
	Fuzes, detonating	1.4S	UN0367	II	1.4S	116	None	62	None	25 kg	100 kg	05	
	Fuzes, detonating, *with protective features.*	1.1D	UN0408	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Fuzes, detonating, *with protective features.*	1.2D	UN0409	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Fuzes, detonating, *with protective features.*	1.4D	UN0410	II	1.4D	116	None	62	None	Forbidden	75 kg	06	
	Fuzes, igniting	1.3G	UN0316	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Fuzes, igniting	1.4G	UN0317	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Fuzes, igniting	1.4S	UN0368	II	1.4S		None	62	None	25 kg	100 kg	05	
	Galactsan trinitrate	Forbidden											
	Gallium	8	UN2803	III	8		None	162	240	20 kg	20 kg	B	48
	Gas cartridges, *(flammable) without a release device, non-refillable.*	2.1	UN2037		2.1		306	304	None	1 kg	15 kg	B	40
	Gas generator assemblies (aircraft), *containing a non-flammable non-toxic gas and a propellant cartridge.*	2.2			2.2		None	335	None	75 kg	150 kg	A	
D	Gas identification set	2.3	NA9035		2.3	6	None	194	None	Forbidden	Forbidden	D	
	Gas oil	3	UN1202	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
G	Gas, refrigerated liquid, flammable, n.o.s. *(cryogenic liquid).*	2.1	UN3312		2.1	T75, TP5	None	316	318	Forbidden	Forbidden	D	40
G	Gas, refrigerated liquid, n.o.s. *(cryogenic liquid).*	2.2	UN3158		2.2	T75, TP5	320	316	318	50 kg	500 kg	D	
G	Gas, refrigerated liquid, oxidizing, n.o.s. *(cryogenic liquid).*	2.2	UN3311		2.2, 5.1	T75, TP5	320	316	318	Forbidden	Forbidden	D	
	Gas sample, non-pressurized, flammable, n.o.s., *not refrigerated liquid.*	2.1	UN3167		2.1		306	302, 304	None	1 L	5 L	D	
	Gas sample, non-pressurized, toxic, flammable, n.o.s., *not refrigerated liquid.*	2.3	UN3168		2.3, 2.1		306	302	None	Forbidden	1 L	D	
	Gas sample, non-pressurized, toxic, n.o.s., *not refrigerated liquid.*	2.3	UN3169		2.3		306	302, 304	None	Forbidden	1 L	D	
D	Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol.*	3	NA1203	II	3		150	202	242	5 L	60 L	E	
	Gasoline	3	UN1203	II	3	B33, IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Gasoline, casinghead, see Gasoline.												
	Gelatine, blasting, see Explosive, blasting, type A.												
	Gelatine dynamites, see Explosive, blasting, type A.												
	Germane	2.3	UN2192		2.3, 2.1	2	None	192	245	Forbidden	Forbidden	D	40
	Glycerol-1,3-dinitrate	Forbidden											
	Glycerol gluconate trinitrate	Forbidden											
	Glycerol lactate trinitrate	Forbidden											
	Glycerol alpha-monochlorohydrin	6.1	UN2689	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Glyceryl trinitrate, see Nitroglycerin, *etc.*												
	Glycidaldehyde	3	UN2622	II	3, 6.1	IB2, IP8, T7, TP1	150	202	243	1 L	60 L	A	40
	Grenades, *hand or rifle, with bursting charge.*	1.1D	UN0284	II	1.1D			62	None	Forbidden	Forbidden	07	
	Grenades, *hand or rifle, with bursting charge.*	1.2D	UN0285	II	1.2D			62	None	Forbidden	Forbidden	07	
	Grenades, *hand or rifle, with bursting charge.*	1.1F	UN0292	II	1.1F			62	None	Forbidden	Forbidden	08	
	Grenades, *hand or rifle, with bursting charge.*	1.2F	UN0293	II	1.2F			62	None	Forbidden	Forbidden	08	
	Grenades, illuminating, see Ammunition, illuminating, *etc.*												
	Grenades, practice, *hand or rifle*	1.4S	UN0110	II	1.4S			62	None	25 kg	100 kg	05	
	Grenades, practice, *hand or rifle*	1.3G	UN0318	II	1.3G			62	None	Forbidden	Forbidden	07	
	Grenades, practice, *hand or rifle*	1.2G	UN0372	II	1.2G			62	None	Forbidden	Forbidden	07	
	Grenades practice *Hand or rifle*	1.4G	UN0452	II	1.4G			62	None	Forbidden	75 kg	06	
	Grenades, smoke, see Ammunition, smoke, *etc.*												
	Guanidine nitrate	5.1	UN1467	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	73
	Guanyl nitrosaminoguanylidene hydrazine (dry).	Forbidden											

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Guanyl nitrosaminoguanylidene hydrazine, wetted *with not less than 30 percent water, by mass.*	1.1A	UN0113	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	
	Guanyl nitrosaminoguanyltetrazene (dry).	Forbidden											
	Guanyl nitrosaminoguanyltetrazene, wetted *or* Tetrazene, wetted *with not less than 30 percent water or mixture of alcohol and water, by mass.*	1.1A	UN0114	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	
	Gunpowder, compressed *or* Gunpowder in pellets, *see* Black powder *(UN 0028).*												
	Gunpowder, *granular or as a meal, see* Black powder *(UN 0027).*												
	Hafnium powder, dry	4.2	UN2545	I	4.2		None	211	242	Forbidden	Forbidden	D	
				II	4.2	A19, A20, IB6, IP2, N34	None	212	241	15 kg	50 kg	D	
				III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	D	
	Hafnium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.*	4.1	UN1326	II	4.1	A6, A19, A20, IB6, IP2, N34	None	212	241	15 kg	50 kg	E	
	Hand signal device, see Signal devices, hand.												
	Hazardous substances, liquid or solid, n.o.s., see Environmentally hazardous substances, *etc.*												
D	Hazardous waste, liquid, n.o.s.	9	NA3082	III	9	IB3, T2, TP1	155	203	241	No limit	No limit	A	
D	Hazardous waste, solid, n.o.s.	9	NA3077	III	9	B54, IB8, IP2	155	213	240	No limit	No limit	A	
G	Heating oil, light	3	UN1202	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Helium, compressed	2.2	UN1046		2.2		306	302	302, 314	75 kg	150 kg	A	85
	Helium-oxygen mixture, see Rare gases and oxygen mixtures.												
	Helium, refrigerated liquid *(cryogenic liquid).*	2.2	UN1963		2.2	T75, TP5	320	316	318	50 kg	500 kg	B	
	Heptafluoropropane *or* Refrigerant gas R 227.	2.2	UN3296		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	n-Heptaldehyde	3	UN3056	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Heptanes	3	UN1206	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	n-Heptene	3	UN2278	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Hexachloroacetone	6.1	UN2661	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	B	12, 40
	Hexachlorobenzene	6.1	UN2729	III	6.1	IB3	153	203	241	60 L	220 L	A	
	Hexachlorobutadiene	6.1	UN2279	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Hexachlorocyclopentadiene	6.1	UN2646	I	6.1	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Hexachlorophene	6.1	UN2875	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Hexadecyltrichlorosilane	8	UN1781	II	8	A7, B2, B6, IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
	Hexadienes	3	UN2458	II	3	IB2, T4, TP1	None	202	242	5 L	60 L	B	
	Hexaethyl tetraphosphate and compressed gas mixtures.	2.3	UN1612		2.3	3	None	334	None	Forbidden	Forbidden	D	40
	Hexaethyl tetraphosphate, *liquid*	6.1	UN1611	II	6.1	IB2, IP2, IP4, N76	None	202	243	5 L	60 L	E	40
	Hexaethyl tetraphosphate, *solid*	6.1	UN1611	II	6.1	IB8, IP2, IP4, N76	None	212	242	25 kg	100 kg	E	40
	Hexafluoroacetone	2.3	UN2420		2.3, 8	2, B9, B14	None	304	314, 315	Forbidden	Forbidden	D	40
	Hexafluoroacetone hydrate	6.1	UN2552	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	B	40
	Hexafluoroethane, compressed *or* Refrigerant gas R 116.	2.2	UN2193		2.2		306	304	314, 315	75 kg	150 kg	A	
	Hexafluorophosphoric acid	8	UN1782	II	8	A6, A7, B2, IB2, N3, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	
	Hexafluoropropylene compressed *or* Refrigerant gas R 1216.	2.2	UN1858		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Hexaldehyde	3	UN1207	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Hexamethylene diisocyanate	6.1	UN2281	II	6.1	IB2, T7, TP2, TP13	None	202	243	5 L	60 L	C	13, 40
	Hexamethylene triperoxide diamine (dry).	Forbidden											
	Hexamethylenediamine, solid	8	UN2280	III	8	IB8, IP3, T4, TP1	154	213	240	25 kg	100 kg	A	12
	Hexamethylenediamine solution	8	UN1783	II	8	IB2, T7, TP2	None	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Hexamethyleneimine	3	UN2493	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	40
	Hexamethylenetetramine	4.1	UN1328	III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	A	
	Hexamethylol benzene hexanitrate.	Forbidden											
	Hexanes	3	UN1208	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	2,2',4,4',6,6'- Hexanitro-3,3'-dihydroxyazobenzene (dry).	Forbidden											
	Hexanitroazoxy benzene	Forbidden											
	N,N'-(hexanitrodiphenyl) ethylene dinitramine (dry).	Forbidden											
	Hexanitrodiphenyl urea	Forbidden											
	2,2',3',4,4',6- Hexanitrodiphenylamine.	Forbidden											
	Hexanitrodiphenylamine *or* Dipicrylamine *or* Hexyl.	1.1D	UN0079	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	2,3',4,4',6,6'- Hexanitrodiphenylether.	Forbidden											
	Hexanitroethane	Forbidden											
	Hexanitrooxanilide	Forbidden											
	Hexanitrostilbene	1.1D	UN0392	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Hexanoic acid, see Corrosive liquids, n.o.s..												
	Hexanols	3	UN2282	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	1-Hexene	3	UN2370	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Hexogen and cyclotetramethylenetetranitramine mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Hexogen and HMX mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Hexogen and octogen mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Hexogen, *see* Cyclotrimethylenetrinitramine, *etc.*												
	Hexolite, *or* Hexotol *dry or wetted with less than 15 percent water, by mass.*	1.1D	UN0118	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Hexotonal	1.1D	UN0393	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Hexyl, *see* Hexanitrodiphenylamine.												
	Hexyltrichlorosilane	8	UN1784	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	High explosives, see individual explosives' entries.												
	HMX, *see* Cyclotetramethylenete tranitramine, *etc.*												
	Hydrazine, anhydrous *or* Hydrazine aqueous solutions *with more than 64 percent hydrazine, by mass.*	8	UN2029	I	8, 3, 6.1.	A3, A6, A7, A10, B7, B16, B53	None	201	243	Forbidden	2.5 L	D	21, 40, 42, 100
	Hydrazine, aqueous solution *with not more than 37 percent hydrazine, by mass.*	6.1	UN3293	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Hydrazine azide	Forbidden											
	Hydrazine chlorate	Forbidden											
	Hydrazine dicarbonic acid diazide	Forbidden											
	Hydrazine hydrate *or* Hydrazine aqueous solutions, *with not less than 37 percent but not more than 64 percent hydrazine, by mass.*	8	UN2030	II	8, 6.1	B16, B53, IB2, T7, TP2, TP13	None	202	243	Forbidden	30 L	D	40, 42, 82
	Hydrazine perchlorate	Forbidden											
	Hydrazine selenate	Forbidden											
	Hydriodic acid, anhydrous, see Hydrogen iodide, anhydrous.												
	Hydriodic acid	8	UN1787	II	8	A3, A6, B2, IB2, N41, T7, TP2	154	202	242	1 L	30 L	C	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	C	8
	Hydrobromic acid, anhydrous, see Hydrogen bromide, anhydrous.												
	Hydrobromic acid, *with more than 49 percent hydrobromic acid.*	8	UN1788	II	8	B2, B15, IB2, N41, T7, TP2	154	202	242	Forbidden	Forbidden	C	
				III	8	IB3, T4, TP1	154	203	241	Forbidden	Forbidden	C	8
	Hydrobromic acid, *with not more than 49 percent hydrobromic acid.*	8	UN1788	II	8	A3, A6, B2, B15, IB2, N41, T7, TP2	154	202	242	1 L	30 L	C	
				III	8	IB3, T4, TP1	154	203	241	5 L	30 L	C	8
	Hydrocarbon gas mixture, compressed, n.o.s..	2.1	UN1964		2.1		306	302	314, 315	Forbidden	150 kg	E	40
	Hydrocarbon gas mixture, liquefied, n.o.s..	2.1	UN1965		2.1	T50	306	304	314, 315	Forbidden	150 kg	E	40
	Hydrocarbons, liquid, n.o.s.	3	UN3295	I	3	T11, TP1, TP8	150	201	243	1 L	30 L	E	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
	Hydrochloric acid, anhydrous, see Hydrogen chloride, anhydrous.	.....			.....		.....	.....	.....	.....	.....		.....
	Hydrochloric acid	8	UN1789	II	8	A3, A6, B3, B15, IB2, N41, T8, TP2, TP12	154	202	242	1 L	30 L	C	.....
	.....	.....		III	8	IB3, T4, TP1, TP12	154	203	241	5 L	60 L	C	8
	Hydrocyanic acid, anhydrous, see Hydrogen cyanide *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Hydrocyanic acid, aqueous solutions *or* Hydrogen cyanide, aqueous solutions *with not more than 20 percent hydrogen cyanide.*	6.1	UN1613	I	6.1	2, B61, B65, B77, B82, T20, TP2, TP13	None	195	244	Forbidden	Forbidden	D	40
D	Hydrocyanic acid, aqueous solutions *with less than 5 percent hydrogen cyanide.*	6.1	NA1613	II	6.1	IB1, T14, TP2, TP13, TP27	None	195	243	Forbidden	5 L	D	40
	Hydrocyanic acid, liquefied, see Hydrogen cyanide, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Hydrocyanic acid (prussic), unstabilized.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Hydrofluoric acid and Sulfuric acid mixtures.	8	UN1786	I	8, 6.1	A6, A7, B15, B23, N5, N34, T10, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	D	40
	Hydrofluoric acid, anhydrous, see Hydrogen fluoride, anhydrous.	.....			.....		.....	.....	.....	.....	.....		.....
	Hydrofluoric acid, *with more than 60 percent strength.*	8	UN1790	I	8, 6.1	A6, A7, B4, B15, B23, N5, N34, T10, TP2, TP12, TP13	None	201	243	0.5 L	2.5 L	D	12, 40
	Hydrofluoric acid, *with not more than 60 percent strength.*	8	UN1790	II	8, 6.1	A6, A7, B15, IB2, N5, N34, T8, TP2, TP12	None	202	243	1 L	30 L	D	12, 40
	Hydrofluoroboric acid, see Fluoroboric acid.	.....			.....		.....	.....	.....	.....	.....		.....
	Hydrofluorosilicic acid, see Fluorosilicic acid.	.....			.....		.....	.....	.....	.....	.....		.....
	Hydrogen and Methane mixtures, compressed.	2.1	UN2034	.....	2.1		306	302	302, 314, 315.	Forbidden	150 kg	E	40
	Hydrogen bromide, anhydrous	2.3	UN1048	.....	2.3, 8	3, B14	None	304	314, 315	Forbidden	25 kg	D	40
	Hydrogen chloride, anhydrous	2.3	UN1050	.....	2.3, 8	3	None	304	None	Forbidden	Forbidden	D	40
	Hydrogen chloride, refrigerated liquid.	2.3	UN2186	.....	2.3, 8	3, B6	None	None	314, 315	Forbidden	Forbidden	B	40
	Hydrogen, compressed	2.1	UN1049	.....	2.1		306	302	302, 314	Forbidden	150 kg	E	40, 57
	Hydrogen cyanide, solution in alcohol *with not more than 45 percent hydrogen cyanide.*	6.1	UN3294	I	6.1, 3	2, 25, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Hydrogen cyanide, stabilized *with less than 3 percent water.*	6.1	UN1051	I	6.1, 3	1, B35, B61, B65, B77, B82	None	195	244	Forbidden	Forbidden	D	40
	Hydrogen cyanide, stabilized, *with less than 3 percent water and absorbed in a porous inert material.*	6.1	UN1614	I	6.1	5	None	195	None	Forbidden	Forbidden	D	25, 40
	Hydrogen fluoride, anhydrous	8	UN1052	I	8, 6.1	3, B7, B46, B71, B77, T10, TP2	None	163	243	Forbidden	Forbidden	D	40
	Hydrogen iodide, anhydrous	2.3	UN2197	.....	2.3	3, B14	None	304	314, 315	Forbidden	Forbidden	D	40
	Hydrogen iodide solution, see Hydriodic acid, solution.	.....			.....		.....	.....	.....	.....	.....		.....
	Hydrogen peroxide and peroxyacetic acid mixtures, stabilized *with acids, water and not more than 5 percent peroxyacetic acid.*	5.1	UN3149	II	5.1, 8	A2, A3, A6, B53, IB2, IP5, T7, TP2, TP6, TP24	None	202	243	1 L	5 L	D	25, 66, 75, 106
	Hydrogen peroxide, aqueous solutions *with more than 40 percent but not more than 60 percent hydrogen peroxide (stabilized as necessary).*	5.1	UN2014	II	5.1, 8	12, A3, A6, B53, B80, B81, B85, IB2, IP5, T7, TP2, TP6, TP24	None	202	243	Forbidden	Forbidden	D	25, 66, 75, 106
	Hydrogen peroxide, aqueous solutions *with not less than 20 percent but not more than 40 percent hydrogen peroxide (stabilized as necessary).*	5.1	UN2014	II	5.1, 8	A2, A3, A6, B53, IB2, IP5, T7, TP2, TP6, TP24	None	202	243	1 L	5 L	D	25, 66, 75, 106
	Hydrogen peroxide, aqueous solutions *with not less than 8 percent but less than 20 percent hydrogen peroxide (stabilized as necessary).*	5.1	UN2984	III	5.1	A1, IB2, IP5, T4, TP1, TP6, TP24	152	203	241	2.5 L	30 L	B	25, 75, 106

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Hydrogen peroxide, stabilized *or* Hydrogen peroxide aqueous solutions, stabilized *with more than 60 percent hydrogen peroxide.*	5.1	UN2015	I	5.1, 8	12, A3, A6, B53, B80, B81, B85, T10, TP2, TP6, TP24	None	201	243	Forbidden	Forbidden	D	25, 66, 75, 106
	Hydrogen, refrigerated liquid *(cryogenic liquid).*	2.1	UN1966		2.1	T75, TP5	None	316	318, 319	Forbidden	Forbidden	D	40
	Hydrogen selenide, anhydrous	2.3	UN2202		2.3, 2.1	1	None	192	245	Forbidden	Forbidden	D	40
	Hydrogen sulfate, see Sulfuric acid.												
	Hydrogen sulfide	2.3	UN1053		2.3, 2.1	2, B9, B14	None	304	314, 315	Forbidden	Forbidden	D	40
	Hydrogendifluorides, n.o.s. *solid*	8	UN1740	II	8	IB5, IP2, IP4, N3, N34	None	212	240	15 kg	50 kg	A	25, 26, 40
				III	8	IB8, IP3, N3, N34	154	213	240	25 kg	100 kg	A	25, 26, 40
	Hydrogendifluorides, n.o.s. *solutions.*	8	UN1740	II	8	IB2, N3, N34	None	202	242	1 L	30 L	A	25, 26, 40
				III	8	IB3, IP3, N3, N34	154	203	241	5 L	60 L	A	25, 26, 40
	Hydroquinone	6.1	UN2662	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	
	Hydrosilicofluoric acid, see Fluorosilicic acid.												
	Hydroxyl amine iodide	Forbidden											
	Hydroxylamine sulfate	8	UN2865	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	Hypochlorite solutions	8	UN1791	II	8	A7, B2, B15, IB2, IP5, N34, T7, TP2, TP24	154	202	242	1 L	30 L	B	26
				III	8	IB3, N34, T4, TP2, TP24	154	203	241	5 L	60 L	B	26
	Hypochlorites, inorganic, n.o.s.	5.1	UN3212	II	5.1	IB8, IP2, IP4	152	212	240	5 kg	25 kg	D	48, 56, 58, 69, 106, 116, 118
	Hyponitrous acid	Forbidden											
	Igniter fuse, metal clad, see Fuse, *igniter, tubular, metal clad.*												
	Igniters	1.1G	UN0121	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Igniters	1.2G	UN0314	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Igniters	1.3G	UN0315	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Igniters	1.4G	UN0325	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Igniters	1.4S	UN0454	II	1.4S		None	62	None	25 kg	100 kg	05	
	3,3'-Iminodipropylamine	8	UN2269	III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	
G	Infectious substances, affecting animals *only.*	6.2	UN2900		6.2		134	196	None	50 mL or 50 g	4 L or 4 kg	B	
G	Infectious substances, affecting humans.	6.2	UN2814		6.2		134	196	None	50 mL or 50 g	4 L or 4 kg	B	
	Inflammable, see Flammable												
	Initiating explosives (dry)	Forbidden											
	Inositol hexanitrate (dry)	Forbidden											
G	Insecticide gases, n.o.s.	2.2	UN1968		2.2		306	304	314, 315	75 kg	150 kg	A	
G	Insecticide gases, flammable, n.o.s.	2.1	UN3354		2.1	T50	306	304	314, 315	Forbidden	150 kg	D	40
G	Insecticide gases, toxic, flammable, n.o.s. *Inhalation hazard Zone A.*	2.3	UN3355		2.3, 2.1	1	None	192	245	Forbidden	Forbidden	D	40
G	Insecticide gases, toxic, flammable, n.o.s. *Inhalation hazard Zone B.*	2.3	UN3355		2.3, 2.1	2, B9, B14	None	302, 305	314, 315	Forbidden	Forbidden	D	40
G	Insecticide gases, toxic, flammable, n.o.s. *Inhalation hazard Zone C.*	2.3	UN3355		2.3, 2.1	3, B14	None	302, 305	314, 315	Forbidden	Forbidden	D	
G	Insecticide gases, toxic, flammable, n.o.s. *Inhalation hazard Zone D.*	2.3	UN3355		2.3, 2.1	4	None	302, 305	314, 315	Forbidden	Forbidden	D	
G	Insecticide gases, toxic, n.o.s.	2.3	UN1967		2.3	3	None	193, 334	245	Forbidden	Forbidden	D	40
	Inulin trinitrate (dry)	Forbidden											
	Iodine azide (dry)	Forbidden											
	Iodine monochloride	8	UN1792	II	8	B6, IB8, IP2, IP4, N41, T7, TP2	None	212	240	Forbidden	50 kg	D	40, 66, 74, 89, 90
	Iodine pentafluoride	5.1	UN2495	I	5.1, 6.1, 8.		None	205	243	Forbidden	2.5 L	D	25, 40, 66, 90
	2-Iodobutane	3	UN2390	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Iodomethylpropanes	3	UN2391	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Iodopropanes	3	UN2392	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Iodoxy compounds (dry)	Forbidden											
	Iridium nitratopentamine iridium nitrate.	Forbidden											
	Iron chloride, see Ferric chloride												
	Iron oxide, spent, *or* Iron sponge, spent *obtained from coal gas purification.*	4.2	UN1376	III	4.2	B18, IB8, IP3	None	213	240	Forbidden	Forbidden	E	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Iron pentacarbonyl	6.1	UN1994	I	6.1, 3	1, B9, B14, B30, B72, B77, T22, TP2, TP13, TP38, TP44	None	192	244	Forbidden	Forbidden	D	40
	Iron sesquichloride, see Ferric chloride.												
	Irritating material, see Tear gas substances, *etc.*												
	Isobutane *see also* Petroleum gases, liquefied.	2.1	UN1969		2.1	19, T50	306	304	314, 315	Forbidden	150 kg	E	40
	Isobutanol *or* Isobutyl alcohol	3	UN1212	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isobutyl acetate	3	UN1213	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isobutyl acrylate, stabilized	3	UN2527	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isobutyl alcohol, *see* Isobutanol												
	Isobutyl aldehyde, *see* Isobutyraldehyde.												
D	Isobutyl chloroformate	6.1	NA2742	I	6.1, 3, 8.	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	1 L	30 L	A	12, 13, 22, 25, 40, 48, 100
	Isobutyl formate	3	UN2393	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isobutyl isobutyrate	3	UN2528	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
+	Isobutyl isocyanate	3	UN2486	I	3, 6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP27	None	226	244	Forbidden	Forbidden	D	40
	Isobutyl methacrylate, stabilized	3	UN2283	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isobutyl propionate	3	UN2394	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	B	
	Isobutylamine	3	UN1214	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	40
	Isobutylene *see also* Petroleum gases, liquefied.	2.1	UN1055		2.1	19, T50	306	304	314, 315	Forbidden	150 kg	E	40
	Isobutyraldehyde *or* Isobutyl aldehyde.	3	UN2045	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	40
	Isobutyric acid	3	UN2529	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
	Isobutyronitrile	3	UN2284	II	3, 6.1	IB2, T7, TP2, TP13	None	202	243	1 L	60 L	E	40
	Isobutyryl chloride	3	UN2395	II	3, 8	IB1, T7, TP2	None	202	243	1 L	5 L	C	40
G	Isocyanates, flammable, toxic, n.o.s. *or* Isocyanate solutions, flammable, toxic, n.o.s. *flash point less than 23 degrees C.*	3	UN2478	II	3, 6.1	5, A3, A7, IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	D	40
G	Isocyanates, toxic, flammable, n.o.s. *or* Isocyanate solutions, toxic, flammable, n.o.s., *flash point not less than 23 degrees C but not more than 61 degrees C and boiling point less than 300 degrees C.*	6.1	UN3080	II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	25, 40, 48
G	Isocyanates, toxic, n.o.s. *or* Isocyanate solutions, toxic, n.o.s., *flash point more than 61 degrees C and boiling point less than 300 degrees C.*	6.1	UN2206	II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	E	25, 40, 48
				III	6.1	IB3, T7, TP1, TP13, TP28	153	203	241	60 L	220 L	E	25, 40, 48
	Isocyanatobenzotrifluorides	6.1	UN2285	II	6.1, 3	5, IB2, T7, TP2	None	202	243	5 L	60 L	D	25, 40, 48
	Isoheptenes	3	UN2287	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isohexenes	3	UN2288	II	3	IB2, IP8, T11, TP1	150	202	242	5 L	60 L	E	
	Isooctane, see Octanes												
	Isooctenes	3	UN1216	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isopentane, see Pentane												
	Isopentanoic acid, see Corrosive liquids, n.o.s.												
	Isopentenes	3	UN2371	I	3	T11, TP2	150	201	243	1 L	30 L	E	
	Isophorone diisocyanate	6.1	UN2290	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	B	40
	Isophoronediamine	8	UN2289	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Isoprene, stabilized	3	UN1218	I	3	T11, TP2	150	201	243	1 L	30 L	E	
	Isopropanol *or* Isopropyl alcohol	3	UN1219	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isopropenyl acetate	3	UN2403	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isopropenylbenzene	3	UN2303	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isopropyl acetate	3	UN1220	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isopropyl acid phosphate	8	UN1793	III	8	IB8, IP3, T4, TP1	154	213	240	25 kg	100 kg	A	
	Isopropyl alcohol, *see* Isopropanol.												
	Isopropyl butyrate	3	UN2405	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isopropyl chloroacetate	3	UN2947	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isopropyl chloroformate	6.1	UN2407	I	6.1, 3, 8.	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	B	40
	Isopropyl 2-chloropropionate	3	UN2934	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isopropyl isobutyrate	3	UN2406	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
+	Isopropyl isocyanate	3	UN2483	I	3, 6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Isopropyl mercaptan, see Propanethiols.												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Isopropyl nitrate	3	UN1222	II	3	IB2, IP7	150	202	None	5 L	60 L	D	
	Isopropyl phosphoric acid, see Isopropyl acid phosphate.												
	Isopropyl propionate	3	UN2409	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isopropylamine	3	UN1221	I	3, 8	T11, TP2	None	201	243	0.5 L	2.5 L	E	
	Isopropylbenzene	3	UN1918	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isopropylcumyl hydroperoxide, with more than 72 percent in solution.	Forbidden											
	Isosorbide dinitrate mixture *with not less than 60 percent lactose, mannose, starch or calcium hydrogen phosphate.*	4.1	UN2907	II	4.1	IB6, IP2	None	212	None	15 kg	50 kg	E	
	Isosorbide-5-mononitrate	4.1	UN3251	III	4.1	66, IB8	151	213	240	Forbidden	Forbidden	D	12
	Isothiocyanic acid	Forbidden											
	Jet fuel, see Fuel aviation, turbine engine.												
D	Jet perforating guns, charged oil well, with detonator.	1.1D	NA0124	II	1.1D	55, 56	None	62	None	Forbidden	Forbidden	07	
D	Jet perforating guns, charged oil well, with detonator.	1.4D	NA0494	II	1.4D	55, 56	None	62	None	Forbidden	Forbidden	06	
	Jet perforating guns, charged *oil well, without detonator.*	1.1D	UN0124	II	1.1D	55	None	62	None	Forbidden	Forbidden	07	
	Jet perforating guns, charged, *oil well, without detonator.*	1.4D	UN0494	II	1.4D	55, 114	None	62	None	Forbidden	300 kg	06	
	Jet perforators, see Charges, shaped, *etc.*												
	Jet tappers, without detonator, see Charges, shaped, *etc.*												
	Jet thrust igniters, for rocket motors or Jato, see Igniters.												
	Jet thrust unit (Jato), see Rocket motors.												
	Kerosene	3	UN1223	III	3	B1, IB3, T2, TP2	150	203	242	60 L	220 L	A	
G	Ketones, liquid, n.o.s.	3	UN1224	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Krypton, compressed	2.2	UN1056		2.2		306	302	None	75 kg	150 kg	A	
	Krypton, refrigerated liquid *(cryogenic liquid).*	2.2	UN1970		2.2	T75, TP5	320	None	None	50 kg	500 kg	B	
	Lacquer base or lacquer chips, nitrocellulose, dry, see Nitrocellulose, *etc. (UN 2557).*												
	Lacquer base or lacquer chips, plastic, wet with alcohol or solvent, see Nitrocellulose *(UN2059, UN2555, UN2556, UN2557)* or Paint *etc.(UN1263).*												
	Lead acetate	6.1	UN1616	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Lead arsenates	6.1	UN1617	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Lead arsenites	6.1	UN1618	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Lead azide (dry)	Forbidden											
	Lead azide, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	1.1A	UN0129	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	
	Lead compounds, soluble, n.o.s.	6.1	UN2291	III	6.1	138, IB8, IP3	153	213	240	100 kg	200 kg	A	
	Lead cyanide	6.1	UN1620	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	26
	Lead dioxide	5.1	UN1872	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Lead dross, see Lead sulfate, *with more than 3 percent free acid.*												
	Lead nitrate	5.1	UN1469	II	5.1, 6.1	IB8, IP2, IP4	None	212	242	5 kg	25 kg	A	
	Lead nitroresorcinate (dry)	Forbidden											
	Lead perchlorate, solid	5.1	UN1470	II	5.1, 6.1	IB6, IP2, T4, TP1	None	212	242	5 kg	25 kg	A	56, 58, 106
	Lead perchlorate, solution	5.1	UN1470	II	5.1, 6.1	IB1, T4, TP1	None	202	243	1 L	5 L	A	56, 58, 106
	Lead peroxide, see Lead dioxide												
	Lead phosphite, dibasic	4.1	UN2989	II	4.1	IB8, IP2, IP4	None	212	240	5 kg	25 kg	B	34
				III	4.1	IB8, IP3	151	213	240	15 kg	50 kg	B	34
	Lead picrate (dry)	Forbidden											
	Lead styphnate (dry)	Forbidden											
	Lead styphnate, wetted or Lead trinitroresorcinate, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	1.1A	UN0130	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	
	Lead sulfate *with more than 3 percent free acid.*	8	UN1794	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
	Lead trinitroresorcinate, *see* Lead styphnate, *etc.*												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Life-saving appliances, not self inflating *containing dangerous goods as equipment.*	9	UN3072	.....	None ..	143	None	219	None	No limit	No limit	A	.....
	Life-saving appliances, self inflating.	9	UN2990	.....	None ..		None	219	None	No limit	No limit	A	.....
	Lighter replacement cartridges containing liquefied petroleum gases (and similar devices, each not exceeding 65 grams), see Lighters *or* lighter refills *etc. containing flammable gas.*	.....			.....		.....	.....	.....	.....	.....		.....
	Lighters, fuse	1.4S	UN0131	II	1.4S ...		None	62	None	25 kg	100 kg	05	.....
	Lighters *or* Lighter refills *cigarettes, containing flammable gas.*	2.1	UN1057	.....	2.1	N10	None	21, 308	None	1 kg	15 kg	B	40
	Lime, unslaked, see Calcium oxide.	.....			.....		.....	.....	.....	.....	.....		.....
G	Liquefied gas, flammable, n.o.s. ..	2.1	UN3161	.....	2.1	T50	306	304	314, 315	Forbidden	150 kg	D	40
G	Liquefied gas, n.o.s.	2.2	UN3163	.....	2.2	T50	306	304	314, 315	75 kg	150 kg	A	.....
G	Liquefied gas, oxidizing, n.o.s.	2.2	UN3157	.....	2.2, 5.1		306	304	314, 315	75 kg	150 kg	D	.....
G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3308	.....	2.3, 8	1	None	192	245	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3308	.....	2.3, 8	2	None	304	314, 315	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3308	.....	2.3, 8	3	None	304	314, 315	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3308	.....	2.3, 8	4	None	304	314, 315	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3309	.....	2.3, 2.1, 8.	1	None	192	245	Forbidden	Forbidden	D	17, 40
G I	Liquefied gas toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3309	.....	2.3, 2.1, 8.	2	None	304	314, 315	Forbidden	Forbidden	D	17, 40
G I	Liquefied gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3309	.....	2.3, 2.1, 8.	3	None	304	314, 315	Forbidden	Forbidden	D	17, 40
G I	Liquefied gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3309	.....	2.3, 2.1, 8.	4	None	304	314, 315	Forbidden	Forbidden	D	17, 40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3160	.....	2.3, 2.1	1	None	192	245	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3160	.....	2.3, 2.1	2, B9, B14	None	304	314, 315	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3160	.....	2.3, 2.1	3, B14	None	304	314, 315	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3160	.....	2.3, 2.1	4	None	304	314, 315	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3162	.....	2.3	1	None	192	245	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3162	.....	2.3	2, B9, B14	None	304	314, 315	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3162	.....	2.3	3, B14	None	304	314, 315	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3162	.....	2.3	4	None	304	314, 315	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3310	.....	2.3, 5.1, 8.	1	None	192	245	Forbidden	Forbidden	D	40, 89, 90
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3310	.....	2.3, 2.1, 8.	2	None	304	314, 315	Forbidden	Forbidden	D	40, 89, 90
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3310	.....	2.3, 2.1, 8.	3	None	304	314, 315	Forbidden	Forbidden	D	40, 89, 90
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3310	.....	2.3, 2.1, 8.	4	None	304	314, 315	Forbidden	Forbidden	D	40, 89, 90
G	Liquefied gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone A.*	2.3	UN3307	.....	2.3, 5.1	1	None	192	245	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone B.*	2.3	UN3307	.....	2.3, 5.1	2	None	304	314, 315	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone C.*	2.3	UN3307	.....	2.3, 5.1	3	None	304	314, 315	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone D.*	2.3	UN3307	.....	2.3, 5.1	4	None	304	314, 315	Forbidden	Forbidden	D	40
	Liquefied gases, *non-flammable charged with nitrogen, carbon dioxide or air.*	2.2	UN1058	.....	2.2		306	304	None	75 kg	150 kg	A	.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Liquefied hydrocarbon gas, see Hydrocarbon gas mixture, liquefied, n.o.s.												
	Liquefied natural gas, see Methane, *etc. (UN 1972).*												
	Liquefied petroleum gas *see* Petroleum gases, liquefied.												
	Lithium	4.3	UN1415	I	4.3	A7, A19, IB1, IP1, N45	None	211	244	Forbidden	15 kg	E	
	Lithium acetylide ethylenediamine complex, see Water reactive solid *etc.*												
	Lithium alkyls	4.2	UN2445	I	4.2, 4.3	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	
	Lithium aluminum hydride	4.3	UN1410	I	4.3	A19	None	211	242	Forbidden	15 kg	E	
	Lithium aluminum hydride, ethereal.	4.3	UN1411	I	4.3, 3	A2, A3, A11, N34	None	201	244	Forbidden	1 L	D	40
	Lithium batteries, contained in equipment.	9	UN3091	II	9	29	185(i)	185	None	5 kg	5 kg	A	
	Lithium batteries packed with equipment.	9	UN3091	II	9	29	185	185	None	5 kg gross	35 kg gross	A	
	Lithium battery	9	UN3090	II	9	29	185	185	None	5 kg gross	35 kg gross	A	
	Lithium borohydride	4.3	UN1413	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
	Lithium ferrosilicon	4.3	UN2830	II	4.3	A19, IB7, IP2	151	212	241	15 kg	50 kg	E	40, 85, 103
	Lithium hydride	4.3	UN1414	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
	Lithium hydride, fused solid	4.3	UN2805	II	4.3	A8, A19, A20, IB4	151	212	241	15 kg	50 kg	E	
	Lithium hydroxide, monohydrate *or* Lithium hydroxide, solid.	8	UN2680	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
	Lithium hydroxide, solution	8	UN2679	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	96
	Lithium hypochlorite, dry *with more than 39% available chlorine (8.8% available oxygen) or* Lithium hypochlorite mixtures, dry *with more than 39% available chlorine (8.8% available oxygen).*	5.1	UN1471	II	5.1	A9, IB8, IP2, IP4, N34	152	212	240	5 kg	25 kg	A	48, 56, 58, 69, 106, 116
	Lithium in cartridges, see Lithium												
	Lithium nitrate	5.1	UN2722	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Lithium nitride	4.3	UN2806	I	4.3	A19, IB4, IP1, N40	None	211	242	Forbidden	15 kg	E	
	Lithium peroxide	5.1	UN1472	II	5.1	A9, IB6, IP2, N34	152	212	None	5 kg	25 kg	A	13, 75, 106
	Lithium silicon	4.3	UN1417	II	4.3	A19, A20, IB7, IP2	151	212	241	15 kg	50 kg	A	85, 103
	LNG, see Methane *etc. (UN 1972).*												
	London purple	6.1	UN1621	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	LPG, see Petroleum gases, liquefied.												
	Lye, see Sodium hydroxide, solutions.												
	Magnesium alkyls	4.2	UN3053	I	4.2, 4.3	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
	Magnesium aluminum phosphide	4.3	UN1419	I	4.3, 6.1	A19, N34, N40	None	211	242	Forbidden	15 kg	E	40, 85
+	Magnesium arsenate	6.1	UN1622	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Magnesium bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.												
	Magnesium bromate	5.1	UN1473	II	5.1	A1, IB8, IP4	152	212	242	5 kg	25 kg	A	56, 58, 106
	Magnesium chlorate	5.1	UN2723	II	5.1	IB8, IP2, IP4	152	212	242	5 kg	25 kg	A	56, 58, 106
	Magnesium diamide	4.2	UN2004	II	4.2	A8, A19, A20, IB6	None	212	241	15 kg	50 kg	C	
	Magnesium diphenyl	4.2	UN2005	I	4.2		None	187	244	Forbidden	Forbidden	C	
	Magnesium dross, wet or hot	Forbidden											
	Magnesium fluorosilicate	6.1	UN2853	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	26
	Magnesium granules, coated, *particle size not less than 149 microns.*	4.3	UN2950	III	4.3	A1, A19, IB8, IP4	151	213	240	25 kg	100 kg	A	
	Magnesium hydride	4.3	UN2010	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
	Magnesium *or* Magnesium alloys *with more than 50 percent magnesium in pellets, turnings or ribbons.*	4.1	UN1869	III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	A	39
	Magnesium nitrate	5.1	UN1474	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Magnesium perchlorate	5.1	UN1475	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	56, 58, 106
	Magnesium peroxide	5.1	UN1476	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	13, 75, 106
	Magnesium phosphide	4.3	UN2011	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 85
	Magnesium, powder *or* Magnesium alloys, powder.	4.3	UN1418	I	4.3, 4.2	A19, B56	None	211	244	Forbidden	15 kg	A	39
				II	4.3, 4.2	A19, B56, IB5, IP2	None	212	241	15 kg	50 kg	A	39
				III	4.3, 4.2	A19, B56, IB8, IP4	None	213	241	25 kg	100 kg	A	39
	Magnesium scrap, see Magnesium, *etc. (UN 1869).*												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Magnesium silicide	4.3	UN2624	II	4.3	A19, A20, IB7, IP2	151	212	241	15 kg	50 kg	B	85, 103
	Magnetized material, see § 173.21.												
	Maleic anhydride	8	UN2215	III	8	IB8, IP3, T4, TP1	154	213	240	25 kg	100 kg	A	
	Malononitrile	6.1	UN2647	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	12
	Mancozeb (manganese ethylenebisdithiocarbamate complex with zinc) see Maneb.												
	Maneb *or* Maneb preparations *with not less than 60 percent maneb.*	4.2	UN2210	III	4.2, 4.3	57, A1, A19, IB6	None	213	242	25 kg	100 kg	A	34
	Maneb stabilized *or* Maneb preparations, stabilized *against self-heating.*	4.3	UN2968	III	4.3	54, A1, A19, IB8, IP4	151	213	242	25 kg	100 kg	B	34
	Manganese nitrate	5.1	UN2724	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Manganese resinate	4.1	UN1330	III	4.1	A1, IB6	151	213	240	25 kg	100 kg	A	
	Mannitan tetranitrate	Forbidden											
	Mannitol hexanitrate (dry)	Forbidden											
	Mannitol hexanitrate, wetted *or* Nitromannite, wetted *with not less than 40 percent water, or mixture of alcohol and water, by mass.*	1.1D	UN0133	II	1.1D	121	None	62	None	Forbidden	Forbidden	10	
	Marine pollutants, liquid or solid, n.o.s., see Environmentally hazardous substances, liquid *or* solid, n.o.s..												
	Matches, block, see Matches, 'strike anywhere'.												
	Matches, fuses	4.1	UN2254	III	4.1		186	186	None	Forbidden	Forbidden	A	
	Matches, safety *(book, card or strike on box).*	4.1	UN1944	III	4.1		186	186	None	25 kg	100 kg	A	
	Matches, strike anywhere	4.1	UN1331	III	4.1		186	186	None	Forbidden	Forbidden	B	
	Matches, wax, Vesta	4.1	UN1945	III	4.1		186	186	None	25 kg	100 kg	B	
	Matting acid, see Sulfuric acid												
	Medicine, liquid, flammable, toxic, n.o.s..	3	UN3248	II	3, 6.1	36, IB2	None	202	None	1 L	5 L	B	40
				III	3, 6.1	36, IB3	150	203	None	5 L	5 L	A	
	Medicine, liquid, toxic, n.o.s.	6.1	UN1851	II	6.1		153	202	243	5 L	5 L	C	40
				III	6.1		153	203	241	5 L	5 L	C	40
	Medicine, solid, toxic, n.o.s.	6.1	UN3249	II	6.1	36	153	212	None	5 kg	5 kg	C	40
				III	6.1	36	153	213	None	5 kg	5 kg	C	40
	Memtetrahydrophthalic anhydride, see Corrosive liquids, n.o.s..												
	Mercaptans, liquid, flammable, n.o.s. *or* Mercaptan mixture, liquid, flammable, n.o.s..	3	UN3336	I	3	T11, TP2	150	201	243	1 L	30 L	E	95
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	95
				III	3	B1, B52, IB3, T4, TP1, TP29	150	203	241	60 L	220 L	B	95
	Mercaptans, liquid, flammable, toxic, n.o.s. *or* Mercaptan mixtures, liquid, flammable, toxic, n.o.s..	3	UN1228	II	3, 6.1	IB2, T11, TP2, TP27	None	202	243	Forbidden	60 L	B	40, 95
				III	3, 6.1	B1, IB3, T7, TP1, TP28	150	203	242	5 L	220 L	A	40, 95
	Mercaptans, liquid, toxic, flammable, n.o.s. *or* Mercaptan mixtures, liquid, toxic, flammable, n.o.s., *flash point not less than 23 degrees C.*	6.1	UN3071	II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	C	40, 121
	5-Mercaptotetrazol-1-acetic acid	1.4C	UN0448	II	1.4C		None	62	None	Forbidden	75 kg	09	
	Mercuric arsenate	6.1	UN1623	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Mercuric chloride	6.1	UN1624	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Mercuric compounds, see Mercury compounds, *etc.*												
	Mercuric nitrate	6.1	UN1625	II	6.1	IB8, IP2, IP4, N73	None	212	242	25 kg	100 kg	A	
+	Mercuric potassium cyanide	6.1	UN1626	I	6.1	IB7, IP1, N74, N75	None	211	242	5 kg	50 kg	A	26
	Mercuric sulfocyanate, see Mercury thiocyanate.												
	Mercurol, see Mercury nucleate												
	Mercurous azide	Forbidden											
	Mercurous compounds, see Mercury compounds, *etc.*												
	Mercurous nitrate	6.1	UN1627	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
A W	Mercury	8	UN2809	III	8		164	164	240	35 kg	35 kg	B	40, 97
	Mercury acetate	6.1	UN1629	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Mercury acetylide	Forbidden											
	Mercury ammonium chloride	6.1	UN1630	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Mercury based pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2778	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Mercury based pesticides, liquid, toxic.	6.1	UN3012	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Mercury based pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3011	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1, 3	IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Mercury based pesticides, solid, toxic.	6.1	UN2777	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
	.....	.....		II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
	.....	.....		III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Mercury benzoate	6.1	UN1631	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury bromides	6.1	UN1634	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury compounds, liquid, n.o.s.	6.1	UN2024	I	6.1		None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1	IB2	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1	IB3	153	203	241	60 L	220 L	B	40
	Mercury compounds, solid, n.o.s.	6.1	UN2025	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	.....
	.....	.....		II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	.....	.....		III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
A	Mercury *contained in manufactured articles.*	8	UN2809	III	8		None	164	None	No limit	No limit	B	40, 97
	Mercury cyanide	6.1	UN1636	II	6.1	IB8, IP2, IP4, N74, N75	None	212	242	25 kg	100 kg	A	26
	Mercury fulminate, wetted *with not less than 20 percent water, or mixture of alcohol and water, by mass.*	1.1A	UN0135	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	.....
	Mercury gluconate	6.1	UN1637	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury iodide, *solid*	6.1	UN1638	II	6.1	IB2, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury iodide aquabasic ammonobasic (iodide of Millon's base).	Forbidden											.....
	Mercury iodide, *solution*	6.1	UN1638	II	6.1	IB8, IP2, IP4	None	202	243	5 L	60 L	A	.....
	Mercury nitride	Forbidden											.....
	Mercury nucleate	6.1	UN1639	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury oleate	6.1	UN1640	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury oxide	6.1	UN1641	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury oxycyanide	Forbidden											.....
	Mercury oxycyanide, desensitized	6.1	UN1642	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	26, 91
	Mercury potassium iodide	6.1	UN1643	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury salicylate	6.1	UN1644	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
+	Mercury sulfates	6.1	UN1645	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mercury thiocyanate	6.1	UN1646	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Mesityl oxide	3	UN1229	III	3	B1, IB3, T2, TP1	None	203	242	60 L	220 L	A	.....
	Metal alkyl halides, water-reactive n.o.s. *or* Metal aryl halides, water-reactive, n.o.s..	4.2	UN3049	I	4.2, 4.3	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	.....
	Metal alkyl hydrides, water-reactive, n.o.s. *or* Metal aryl hydrides, water-reactive, n.o.s..	4.2	UN3050	I	4.2, 4.3	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	.....
	Metal alkyls, water-reactive, n.o.s. *or* Metal aryls, water-reactive n.o.s..	4.2	UN2003	I	4.2, 4.3	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	.....
	Metal carbonyls, n.o.s.	6.1	UN3281	I	6.1	5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
	Metal catalyst, dry	4.2	UN2881	I	4.2	N34	None	187	None	25 kg	100 kg	C	.....
	.....	.....		II	4.2	IB6, IP2, N34	None	187	242	Forbidden	50 kg	C	.....
	.....	.....		III	4.2	IB8, IP3, N34	None	187	241	25 kg	100 kg	C	.....
	Metal catalyst, wetted *with a visible excess of liquid.*	4.2	UN1378	II	4.2	A2, A8, IB1, N34	None	212	None	Forbidden	50 kg	C	.....
	Metal hydrides, flammable, n.o.s.	4.1	UN3182	II	4.1	A1, IB4	151	212	240	15 kg	50 kg	E	.....
	.....	.....		III	4.1	A1, IB4	151	213	240	25 kg	100 kg	E	.....
	Metal hydrides, water reactive, n.o.s..	4.3	UN1409	I	4.3	A19, N34, N40	None	211	242	Forbidden	15 kg	D	.....
	.....	.....		II	4.3	A19, IB4, N34, N40	151	212	242	15 kg	50 kg	D	.....
	Metal powder, self-heating, n.o.s.	4.2	UN3189	II	4.2	IB6, IP2	None	212	241	15 kg	50 kg	C	.....
	.....	.....		III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	C	.....
	Metal powders, flammable, n.o.s.	4.1	UN3089	II	4.1	IB8, IP2, IP4	151	212	240	15 kg	50 kg	B	.....
	.....	.....		III	4.1	IB6	151	213	240	25 kg	100 kg	B	.....
	Metal salts of methyl nitramine (dry).	Forbidden											.....
G	Metal salts of organic compounds, flammable, n.o.s..	4.1	UN3181	II	4.1	A1, IB8, IP2, IP4	151	212	240	15 kg	50 kg	B	40
	.....	.....		III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	B	40
	Metaldehyde	4.1	UN1332	III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	A	.....
G	Metallic substance, water-reactive, n.o.s..	4.3	UN3208	I	4.3	IB4	None	211	242	Forbidden	15 kg	E	40
	.....	.....		II	4.3	IB7, IP2	151	212	242	15 kg	50 kg	E	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		III	4.3	IB8, IP4	151	213	241	25 kg	100 kg	E	40
G	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	UN3209	I	4.3, 4.2		None	211	242	Forbidden	15 kg	E	40
	.....	.....		II	4.3, 4.2	IB5, IP2	None	212	242	15 kg	50 kg	E	40
	.....	.....		III	4.3, 4.2	IB8, IP4	None	213	242	25 kg	100 kg	E	40
	Methacrylaldehyde, stabilized	3	UN2396	II	3, 6.1	45, IB2, T7, TP1, TP13	None	202	243	1 L	60 L	E	40
	Methacrylic acid, stabilized	8	UN2531	II	8	IB3, T4, TP1, TP18	154	202	242	1 L	30 L	A	.....
+	Methacrylonitrile, stabilized	3	UN3079	I	3, 6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	12, 40, 48
	Methallyl alcohol	3	UN2614	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Methane and hydrogen, mixtures, see Hydrogen and methane, mixtures, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Methane, compressed *or* Natural gas, compressed *(with high methane content).*	2.1	UN1971	.....	2.1		306	302	302	Forbidden	150 kg	E	40
	Methane, refrigerated liquid *(cryogenic liquid) or* Natural gas, refrigerated liquid *(cryogenic liquid), with high methane content).*	2.1	UN1972	.....	2.1	T75, TP5	None	None	318	Forbidden	Forbidden	D	40
	Methanesulfonyl chloride	6.1	UN3246	I	6.1, 8	2, 25, B9, B14, B32, B74, T20, TP2, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
+ I	Methanol	3	UN1230	II	3, 6.1	IB2, T7, TP2	150	202	242	1 L	60 L	B	40
D	Methanol	3	UN1230	II	3	IB2, T7, TP2	150	202	242	1 L	60 L	B	40
	Methazoic acid	Forbidden			.....		.....	.....	.....	.....	.....		.....
	4-Methoxy-4-methylpentan-2-one	3	UN2293	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	1-Methoxy-2-propanol	3	UN3092	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
+	Methoxymethyl isocyanate	3	UN2605	I	3, 6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Methyl acetate	3	UN1231	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Methyl acetylene and propadiene mixtures, stabilized.	2.1	UN1060	.....	2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Methyl acrylate, stabilized	3	UN1919	II	3	IB2, T4, TP1, TP13	150	202	242	5 L	60 L	B	.....
	Methyl alcohol, see Methanol	.....			.....		.....	.....	.....	.....	.....		.....
	Methyl allyl chloride	3	UN2554	II	3	IB2, T4, TP1, TP13	150	202	242	5 L	60 L	E	.....
	Methyl amyl ketone, see Amyl methyl ketone.	.....			.....		.....	.....	.....	.....	.....		.....
	Methyl bromide	2.3	UN1062	.....	2.3	3, B14, T50	None	193	314, 315	Forbidden	25 kg	D	40
	Methyl bromide and chloropicrin mixtures with more than 2 percent chloropicrin, see Chloropicrin and methyl bromide mixtures.	.....			.....		.....	.....	.....	.....	.....		.....
	Methyl bromide and chloropicrin mixtures with not more than 2 percent chloropicrin, see Methyl bromide.	.....			.....		.....	.....	.....	.....	.....		.....
	Methyl bromide and ethylene dibromide mixtures, liquid.	6.1	UN1647	I	6.1	2, B9, B14, B32, B74, N65, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	C	40
	Methyl bromoacetate	6.1	UN2643	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	D	40
	2-Methyl-1-butene	3	UN2459	I	3	T11, TP2	None	201	243	1 L	30 L	E	.....
	2-Methyl-2-butene	3	UN2460	II	3	IB2, IP8, T7, TP1	None	202	242	5 L	60 L	E	.....
	3-Methyl-1-butene	3	UN2561	I	3	T11, TP2	None	201	243	1 L	30 L	E	.....
	Methyl tert-butyl ether	3	UN2398	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	.....
	Methyl butyrate	3	UN1237	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Methyl chloride, *or* Refrigerant gas R 40.	2.1	UN1063	.....	2.1	T50	306	304	314, 315	5 kg	100 kg	D	40
	Methyl chloride and chloropicrin mixtures, see Chloropicrin and methyl chloride mixtures.	.....			.....		.....	.....	.....	.....	.....		.....
	Methyl chloride and methylene chloride mixtures.	2.1	UN1912	.....	2.1	T50	306	304	314, 315	Forbidden	150 kg	D	40
	Methyl chloroacetate	6.1	UN2295	I	6.1, 3	T14, TP2, TP13	None	201	243	1 L	30 L	D	.....
	Methyl chlorocarbonate, see Methyl chloroformate.	.....			.....		.....	.....	.....	.....	.....		.....
	Methyl chloroform, see 1,1,1-Trichloroethane.	.....			.....		.....	.....	.....	.....	.....		.....
	Methyl chloroformate	6.1	UN1238	I	6.1, 3, 8	1, B9, B14, B30, B72, N34, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	21, 40, 100
	Methyl chloromethyl ether	6.1	UN1239	I	6.1, 3	1, B9, B14, B30, B72, T22, TP2, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Methyl 2-chloropropionate	3	UN2933	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Methyl dichloroacetate	6.1	UN2299	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Methyl ethyl ether, see Ethyl methyl ether.												
	Methyl ethyl ketone, *see* Ethyl methyl ketone.												
	Methyl ethyl ketone peroxide, in solution with more than 9 percent by mass active oxygen.	Forbidden											
	2-Methyl-5-ethylpyridine	6.1	UN2300	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Methyl fluoride, *or* Refrigerant gas R 41.	2.1	UN2454		2.1		306	304	314, 315	Forbidden	150 kg	E	40
	Methyl formate	3	UN1243	I	3	T11, TP2	150	201	243	1 L	30 L	E	
	2-Methyl-2-heptanethiol	6.1	UN3023	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40, 102
	Methyl iodide	6.1	UN2644	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	12, 40
	Methyl isobutyl carbinol	3	UN2053	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methyl isobutyl ketone	3	UN1245	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl isobutyl ketone peroxide, in solution with more than 9 percent by mass active oxygen.	Forbidden											
	Methyl isocyanate	6.1	UN2480	I	6.1, 3	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	26, 40
	Methyl isopropenyl ketone, stabilized.	3	UN1246	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl isothiocyanate	6.1	UN2477	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	
	Methyl isovalerate	3	UN2400	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl magnesium bromide, in ethyl ether.	4.3	UN1928	I	4.3, 3		None	201	243	Forbidden	1 L	D	
	Methyl mercaptan	2.3	UN1064		2.3, 2.1	3, B7, B9, B14, T50	None	304	314, 315	Forbidden	25 kg	D	40
	Methyl mercaptopropionaldehyde, see Thia-4-pentanal.												
	Methyl methacrylate monomer, stabilized.	3	UN1247	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Methyl nitramine (dry)	Forbidden											
	Methyl nitrate	Forbidden											
	Methyl nitrite	Forbidden											
	Methyl norbornene dicarboxylic anhydride, see Corrosive liquids, n.o.s..												
	Methyl orthosilicate	6.1	UN2606	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	E	40
D	Methyl phosphonic dichloride	6.1	NA9206	I	6.1, 8	2, A3, B9, B14, B32, B74, N34, N43, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	
	Methyl phosphonothioic dichloride, anhydrous, see Corrosive liquid, n.o.s..												
D	Methyl phosphonous dichloride, *pyrophoric liquid.*	6.1	NA2845	I	6.1, 4.2	2, B9, B14, B16, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	18
	Methyl picric acid (heavy metal salts of).	Forbidden											
	Methyl propionate	3	UN1248	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl propyl ether	3	UN2612	II	3	IB2, IP8, T7, TP2	150	202	242	5 L	60 L	E	40
	Methyl propyl ketone	3	UN1249	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl sulfate, see Dimethyl sulfate.												
	Methyl sulfide, see Dimethyl sulfide.												
	Methyl trichloroacetate	6.1	UN2533	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Methyl trimethylol methane trinitrate.	Forbidden											
	Methyl vinyl ketone, stabilized	6.1	UN1251	I	6.1, 3, 8.	1, 25, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	B	40
	Methylal	3	UN1234	II	3	IB2, IP8, T7, TP2	None	202	242	5 L	60 L	E	
	Methylamine, anhydrous	2.1	UN1061		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Methylamine, aqueous solution	3	UN1235	II	3, 8	B1, IB2, T7, TP1	150	202	243	1 L	5 L	E	41
	Methylamine dinitramine and dry salts thereof.	Forbidden											
	Methylamine nitroform	Forbidden											
	Methylamine perchlorate (dry)	Forbidden											
	Methylamyl acetate	3	UN1233	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	N-Methylaniline	6.1	UN2294	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	alpha-Methylbenzyl alcohol	6.1	UN2937	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	3-Methylbutan-2-one	3	UN2397	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	N-Methylbutylamine	3	UN2945	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	40
	Methylchlorosilane	2.3	UN2534		2.3, 2.1, 8.	2, A2, A3, A7, B9, B14, N34	None	226	314, 315	Forbidden	Forbidden	D	17, 40
	Methylcyclohexane	3	UN2296	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methylcyclohexanols, *flammable*	3	UN2617	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methylcyclohexanone	3	UN2297	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methylcyclopentane	3	UN2298	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
D	Methyldichloroarsine	6.1	NA1556	I	6.1	2, T20, TP4, TP12, TP13, TP38, TP45	None	192	None	Forbidden	Forbidden	D	40
	Methyldichlorosilane	4.3	UN1242	I	4.3, 8, 3.	A2, A3, A7, B6, B77, N34, T10, TP2, TP7, TP13	None	201	243	Forbidden	1 L	D	21, 28, 40, 49, 100
	Methylene chloride, see Dichloromethane.												
	Methylene glycol dinitrate	Forbidden											
	2-Methylfuran	3	UN2301	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	a-Methylglucoside tetranitrate	Forbidden											
	a-Methylglycerol trinitrate	Forbidden											
	5-Methylhexan-2-one	3	UN2302	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methylhydrazine	6.1	UN1244	I	6.1, 3, 8.	1, B7, B9, B14, B30, B72, B77, N34, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	21, 40, 49, 100
	4-Methylmorpholine *or* n-methylmorpholine.	3	UN2535	II	3, 8	B6, IB2, T7, TP1	None	202	243	1 L	5 L	B	40
	Methylpentadienes	3	UN2461	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	2-Methylpentan-2-ol	3	UN2560	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methylpentanes, see Hexanes												
	Methylphenyldichlorosilane	8	UN2437	II	8	IB2, T7, TP2, TP13	154	202	242	1 L	30 L	C	40
	1-Methylpiperidine	3	UN2399	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	
	Methyltetrahydrofuran	3	UN2536	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyltrichlorosilane	3	UN1250	I	3, 8	A7, B6, B77, N34, T11, TP2, TP13	None	201	243	Forbidden	2.5 L	B	40
	alpha-Methylvaleraldehyde	3	UN2367	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Mine rescue equipment containing carbon dioxide, see Carbon dioxide.												
	Mines *with bursting charge*	1.1F	UN0136	II	1.1F			62	None	Forbidden	Forbidden	08	
	Mines *with bursting charge*	1.1D	UN0137	II	1.1D			62	None	Forbidden	Forbidden	03	
	Mines *with bursting charge*	1.2D	UN0138	II	1.2D			62	None	Forbidden	Forbidden	03	
	Mines *with bursting charge*	1.2F	UN0294	II	1.2F			62	None	Forbidden	Forbidden	08	
	Mixed acid, see Nitrating acid, mixtures *etc.*												
	Mobility aids, see Battery powered equipment *or* Battery powered vehicle'.												
D	Model rocket motor	1.4C	NA0276	II	1.4C	51	None	62	None	Forbidden	75 kg	06	
D	Model rocket motor	1.4S	NA0323	II	1.4S	51	None	62	None	25 kg	100 kg	05	
	Molybdenum pentachloride	8	UN2508	III	8	IB8, IP3, T4, TP1	154	213	240	25 kg	100 kg	C	40
	Monochloroacetone (unstabilized)	Forbidden											
	Monochloroethylene, see Vinyl chloride, stabilized.												
	Monoethanolamine, see Ethanolamine, solutions.												
	Monoethylamine, see Ethylamine												
	Morpholine	8	UN2054	I	8, 3	T10, TP2	None	201	243	.5 L	2.5 L	C	25,40
	Morpholine, aqueous, mixture, see Corrosive liquids, n.o.s..												
	Motor fuel anti-knock compounds *see* Motor fuel anti-knock mixtures.												
+	Motor fuel anti-knock mixtures	6.1	UN1649	I	6.1, 3	14, B9, B90, T14, TP2, TP13	None	201	244	Forbidden	30 L	D	25, 40
	Motor spirit, *see* Gasoline												
	Muriatic acid, see Hydrochloric acid.												
	Musk xylene, *see* 5-tert-Butyl-2,4,6-trinitro-m-xylene.												
	Naphtha see Petroleum distillates n.o.s..												
	Naphthalene, crude *or* Naphthalene, refined.	4.1	UN1334	III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	A	
	Naphthalene diozonide	Forbidden											
	beta-Naphthylamine	6.1	UN1650	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	
	alpha-Naphthylamine	6.1	UN2077	III	6.1	IB8, IP3, T3, TP1	153	213	240	100 kg	200 kg	A	
	Naphthalene, molten	4.1	UN2304	III	4.1	A1, IB1, T1, TP3	151	213	241	Forbidden	Forbidden	C	
	Naphthylamineperchlorate	Forbidden											
	Naphthylthiourea	6.1	UN1651	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Naphthylurea	6.1	UN1652	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Natural gases (with high methane content), see Methane, *etc. (UN 1971, UN 1972).*												
	Neohexane, see Hexanes												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Neon, compressed	2.2	UN1065		2.2		306	302	302	75 kg	150 kg	A	
	Neon, refrigerated liquid (cryogenic liquid).	2.2	UN1913		2.2	T75, TP5	320	316	None	50 kg	500 kg	B	
	New explosive or explosive device, see §§ 173.51 and 173.56.												
	Nickel carbonyl	6.1	UN1259	I	6.1, 3	1	None	198	None	Forbidden	Forbidden	D	18, 40
	Nickel cyanide	6.1	UN1653	II	6.1	IB8, IP2, IP4, N74, N75	None	212	242	25 kg	100 kg	A	26
	Nickel nitrate	5.1	UN2725	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Nickel nitrite	5.1	UN2726	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	56, 58
	Nickel picrate	Forbidden											
	Nicotine	6.1	UN1654	II	6.1	IB2	None	202	243	5 L	60 L	A	
	Nicotine compounds, liquid, n.o.s. *or* Nicotine preparations, liquid, n.o.s..	6.1	UN3144	I	6.1	A4	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	B	40
	Nicotine compounds, solid, n.o.s. *or* Nicotine preparations, solid, n.o.s..	6.1	UN1655	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Nicotine hydrochloride *or* Nicotine hydrochloride solution.	6.1	UN1656	II	6.1	IB2, IP2, IP4	None	202	243	5 L	60 L	A	
	Nicotine salicylate	6.1	UN1657	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Nicotine sulfate, *solid*	6.1	UN1658	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Nicotine sulfate, *solution*	6.1	UN1658	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Nicotine tartrate	6.1	UN1659	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Nitrated paper (unstable)	Forbidden											
	Nitrates, inorganic, aqueous solution, n.o.s..	5.1	UN3218	II	5.1	58, IB2, T4, TP1	152	202	242	1 L	5 L	B	46
				III	5.1	58, IB2, T4, TP1	152	203	241	2.5 L	30 L	B	46
	Nitrates, inorganic, n.o.s.	5.1	UN1477	II	5.1	IB8, IP2, IP4	152	212	240	5 kg	25 kg	A	46
				III	5.1	IB8, IP3	152	213	240	25 kg	100 kg	A	46
	Nitrates of diazonium compounds	Forbidden											
	Nitrating acid mixtures, spent *with more than 50 percent nitric acid.*	8	UN1826	I	8, 5.1	T10, TP2, TP12, TP13	None	158	243	Forbidden	2.5 L	D	40, 66
	Nitrating acid mixtures spent *with not more than 50 percent nitric acid.*	8	UN1826	II	8	B2, IB2, T8, TP2, TP12	None	158	242	Forbidden	30 L	D	40
	Nitrating acid mixtures *with more than 50 percent nitric acid.*	8	UN1796	I	8, 5.1	T10, TP2, TP12, TP13	None	158	243	Forbidden	2.5 L	D	40, 66
	Nitrating acid mixtures *with not more than 50 percent nitric acid.*	8	UN1796	II	8	B2, IB2, T8, TP2, TP12, TP13	None	158	242	Forbidden	30 L	D	40
	Nitric acid *other than red fuming, with more than 70 percent nitric acid.*	8	UN2031	I	8, 5.1	B47, B53, T10, TP2, TP12, TP13	None	158	243	Forbidden	2.5 L	D	44, 66, 89, 90, 110, 111
	Nitric acid *other than red fuming, with not more than 70 percent nitric acid.*	8	UN2031	II	8	B2, B47, B53, IB2, T8, TP2, TP12	None	158	242	Forbidden	30 L	D	44, 66, 89, 90, 110, 111
+	Nitric acid, red fuming	8	UN2032	I	8, 5.1, 6.1.	2, B9, B32, B74, T20, TP2, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40, 66, 74, 89, 90
	Nitric oxide, compressed	2.3	UN1660		2.3, 5.1, 8.	1, B37, B46, B50, B60, B77	None	337	None	Forbidden	Forbidden	D	40, 89, 90
	Nitric oxide and dinitrogen tetroxide mixtures *or* Nitric oxide and nitrogen dioxide mixtures.	2.3	UN1975		2.3, 5.1, 8.	1, B7, B9, B14, B45, B46, B61, B66, B67, B77	None	337	None	Forbidden	Forbidden	D	40, 89, 90
G	Nitriles, flammable, toxic, n.o.s.	3	UN3273	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40, 52
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40, 52
G	Nitriles, toxic, flammable, n.o.s.	6.1	UN3275	I	6.1, 3	5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
G	Nitriles, toxic, n.o.s.	6.1	UN3276	I	6.1	5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	
				II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	B	
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
	Nitrites, inorganic, aqueous solution, n.o.s..	5.1	UN3219	II	5.1	IB1, T4, TP1	152	202	242	1 L	5 L	B	46, 56, 58
				III	5.1	IB2, T4, TP1	152	203	241	2.5 L	30 L	B	46, 56, 58
	Nitrites, inorganic, n.o.s.	5.1	UN2627	II	5.1	33, IB8, IP4	152	212	None	5 kg	25 kg	A	46, 56, 58
	3-Nitro-4-chlorobenzotrifluoride	6.1	UN2307	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	6-Nitro-4-diazotoluene-3-sulfonic acid (dry).	Forbidden											
	Nitro isobutane triol trinitrate	Forbidden											

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	N-Nitro-N-methylglycolamide nitrate.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	2-Nitro-2-methylpropanol nitrate ..	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Nitro urea	1.1D	UN0147	II	1.1D ...		None	62	None	Forbidden	Forbidden	10	.....
	N-Nitroaniline	Forbidden			.....		.....	.....	.....	.....	.....		.....
+	Nitroanilines (*o-; m-; p-;*)	6.1	UN1661	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	.....
+	Nitroanisole	6.1	UN2730	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	.....
+	Nitrobenzene	6.1	UN1662	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	m-Nitrobenzene diazonium perchlorate.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Nitrobenzenesulfonic acid	8	UN2305	II	8	IB2	154	202	242	1 L	30 L	A	.....
	Nitrobenzol, see Nitrobenzene	.....			.....		.....	.....	.....	.....	.....		.....
	5-Nitrobenzotriazol	1.1D	UN0385	II	1.1D ...		None	62	None	Forbidden	Forbidden	10	.....
	Nitrobenzotrifluorides	6.1	UN2306	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	Nitrobromobenzenes *liquid*	6.1	UN2732	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	.....
	Nitrobromobenzenes *solid*	6.1	UN2732	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	.....
	Nitrocellulose, *dry or wetted with less than 25 percent water (or alcohol), by mass.*	1.1D	UN0340	II	1.1D ...		None	62	None	Forbidden	Forbidden	13	27E
	Nitrocellulose membrane filters, *with not more than 12.6% nitrogen, by dry mass.*	4.1	UN3270	II	4.1	43, A1	151	212	240	1 kg	15 kg	D	.....
	Nitrocellulose, plasticized *with not less than 18 percent plasticizing substance, by mass.*	1.3C	UN0343	II	1.3C ...		None	62	None	Forbidden	Forbidden	10	.....
	Nitrocellulose, solution, flammable *with not more than 12.6 percent nitrogen, by mass, and not more than 55 percent nitrocellulose.*	3	UN2059	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	.....
	.....	.....	.....	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Nitrocellulose, *unmodified or plasticized with less than 18 percent plasticizing substance, by mass.*	1.1D	UN0341	II	1.1D ...		None	62	None	Forbidden	Forbidden	13	27E
	Nitrocellulose, wetted *with not less than 25 percent alcohol, by mass.*	1.3C	UN0342	II	1.3C ...		None	62	None	Forbidden	Forbidden	10	.....
	Nitrocellulose with alcohol *with not less than 25 percent alcohol by mass, and with not more than 12.6 percent nitrogen, by dry mass.*	4.1	UN2556	II	4.1		151	212	None	1 kg	15 kg	D	28
	Nitrocellulose, *with not more than 12.6 percent nitrogen, by dry mass, or* Nitrocellulose mixture with pigment *or* Nitrocellulose mixture with plasticizer *or* Nitrocellulose mixture with pigment and plasticizer.	4.1	UN2557	II	4.1	44	151	212	None	1 kg	15 kg	D	28
	Nitrocellulose with water *with not less than 25 percent water, by mass.*	4.1	UN2555	II	4.1		151	212	None	15 kg	50 kg	E	28
	Nitrochlorobenzene, see Chloronitrobenzenes *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Nitrocresols	6.1	UN2446	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	.....
	Nitroethane	3	UN2842	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Nitroethyl nitrate	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Nitroethylene polymer	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Nitrogen, compressed	2.2	UN1066	.....	2.2		306	302	314, 315	75 kg	150 kg	A	.....
	Nitrogen dioxide, *see* Dinitrogen tetroxide.	.....			.....		.....	.....	.....	.....	.....		.....
	Nitrogen fertilizer solution, see Fertilizer ammoniating solution *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Nitrogen, mixtures with rare gases, see Rare gases and nitrogen mixtures.	.....			.....		.....	.....	.....	.....	.....		.....
	Nitrogen peroxide, see Dinitrogen tetroxide.	.....			.....		.....	.....	.....	.....	.....		.....
	Nitrogen, refrigerated liquid *cryogenic liquid.*	2.2	UN1977	.....	2.2	T75, TP5	320	316	318	50 kg	500 kg	D	.....
	Nitrogen tetroxide and nitric oxide mixtures, see Nitric oxide and nitrogen tetroxide mixtures.	.....			.....		.....	.....	.....	.....	.....		.....
	Nitrogen tetroxide, see Dinitrogen tetroxide.	.....			.....		.....	.....	.....	.....	.....		.....
	Nitrogen trichloride	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Nitrogen trifluoride, compressed ..	2.2	UN2451	.....	2.2, 5.1		None	302	None	75 kg	150 kg	D	40
	Nitrogen triiodide	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Nitrogen triiodide monoamine	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Nitrogen trioxide	2.3	UN2421	.....	2.3; 5.1, 8.	1	None	336	245	Forbidden	Forbidden	D	40, 89, 90

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Nitroglycerin, desensitized *with not less than 40 percent nonvolatile water insoluble phlegmatizer, by mass.*	1.1D	UN0143	II	1.1D, 6.1.	125	None	62	None	Forbidden	Forbidden	13	21E
	Nitroglycerin, liquid, not desensitized.	Forbidden											
	Nitroglycerin mixture, desensitized, liquid, flammable, n.o.s. *with not more than 30 percent nitroglycerin, by mass.*	3	UN3343		3	129	None	214	None	Forbidden	Forbidden	D	
	Nitroglycerin mixture, desensitized, liquid, n.o.s. *with not more than 30% nitroglycerin, by mass.*	3	UN3357	II	3	142	None	202	243	5 L	60 L	E	
	Nitroglycerin mixture, desensitized, solid, n.o.s. *with more than 2 percent but not more than 10 percent nitroglycerin, by mass.*	4.1	UN3319	II	4.1	118	None	None	None	Forbidden	0.5 kg	E	
	Nitroglycerin, solution in alcohol, *with more than 1 percent but not more than 5 percent nitroglycerin.*	3	UN3064	II	3	N8	None	202	None	Forbidden	5 L	E	
	Nitroglycerin, solution in alcohol, *with more than 1 percent but not more than 10 percent nitroglycerin.*	1.1D	UN0144	II	1.1D		None	62	None	Forbidden	Forbidden	10	21E
	Nitroglycerin solution in alcohol *with not more than 1 percent nitroglycerin.*	3	UN1204	II	3	IB2, N34	None	202	None	5 L	60 L	B	
	Nitroguanidine nitrate	Forbidden											
	Nitroguanidine *or* Picrite, *dry or wetted with less than 20 percent water, by mass.*	1.1D	UN0282	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Nitroguanidine, wetted *or* Picrite, wetted *with not less than 20 percent water, by mass.*	4.1	UN1336	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28
	1-Nitrohydantoin	Forbidden											
	Nitrohydrochloric acid	8	UN1798	I	8	A3, B10, N41, T10, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	D	40, 66, 74, 89, 90
	Nitromannite (dry)	Forbidden											
	Nitromannite, wetted, *see* Mannitol hexanitrate, *etc.*												
	Nitromethane	3	UN1261	II	3		150	202	None	Forbidden	Forbidden	A	
	Nitromuriatic acid, see Nitrohydrochloric acid.												
	Nitronaphthalene	4.1	UN2538	III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	A	
+	Nitrophenols (*o-; m-; p-;*)	6.1	UN1663	III	6.1	IB8, IP3, T4, TP3	153	213	240	100 kg	200 kg	A	
	m-Nitrophenyldinitro methane	Forbidden											
	Nitropropanes	3	UN2608	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	p-Nitrosodimethylaniline	4.2	UN1369	II	4.2	A19, A20, IB6, IP2, N34	None	212	241	15 kg	50 kg	D	34
	Nitrostarch, *dry or wetted with less than 20 percent water, by mass.*	1.1D	UN0146	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Nitrostarch, wetted *with not less than 20 percent water, by mass.*	4.1	UN1337	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	D	28
	Nitrosugars (dry)	Forbidden											
	Nitrosyl chloride	2.3	UN1069		2.3, 8	3, B14	None	304	314, 315	Forbidden	Forbidden	D	40
	Nitrosylsulfuric acid	8	UN2308	II	8	A3, A6, A7, B2, IB2, N34, T8, TP2, TP12	154	202	242	1 L	30 L	D	40, 66, 74, 89, 90
	Nitrotoluenes, *liquid o-; m-; p-;*	6.1	UN1664	II	6.1	IB2, IP2, IP4, T7, TP2	None	202	243	5 L	60 L	A	
	Nitrotoluenes, *solid m-, or p-*	6.1	UN1664	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	
	Nitrotoluidines (mono)	6.1	UN2660	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Nitrotriazolone *or* NTO	1.1D	UN0490	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Nitrous oxide and carbon dioxide mixtures, see Carbon dioxide and nitrous oxide mixtures.												
	Nitrous oxide	2.2	UN1070		2.2, 5.1		306	304	314, 315	75 kg	150 kg	A	40
	Nitrous oxide, refrigerated liquid	2.2	UN2201		2.2, 5.1	B6, T75, TP5, TP22	None	304	314, 315	Forbidden	Forbidden	B	40
	Nitroxylenes, (o-; m-; p-)	6.1	UN1665	II	6.1	IB2, IP2, IP4, T7, TP2	None	202	243	5 L	60 L	A	
	Nitroxylol, see Nitroxylenes												
	Nonanes	3	UN1920	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Non-flammable gas, n.o.s., see Compressed gas, *etc. or* Liquefied gas, *etc.*												
	Nonliquefied gases, see Compressed gases, *etc.*												
	Nonliquefied hydrocarbon gas, see Hydrocarbon gas mixture, compressed, n.o.s..												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Nonyltrichlorosilane	8	UN1799	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Nordhausen acid, see Sulfuric acid, fuming *etc.*												
	2,5-Norbornadiene, stabilized, *see* Bicyclo *2,2,1* hepta-2,5-diene stabilized.												
	Octadecyltrichlorosilane	8	UN1800	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Octadiene	3	UN2309	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,7-Octadine-3,5-diyne-1,8-dimethoxy-9-octadecynoic acid.	Forbidden											
	Octafluorobut-2-ene *or* Refrigerant gas R 1318.	2.2	UN2422		2.2		None	304	314, 315	75 kg	150 kg	A	
	Octafluorocyclobutane, *or* Refrigerant gas RC 1318.	2.2	UN1976		2.2	T50	None	304	314, 315	75 kg	150 kg	A	
	Octafluoropropane*or* Refrigerant gas R 218.	2.2	UN2424		2.2	T50	None	304	314, 315	75 kg	150 kg	A	
	Octanes	3	UN1262	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Octogen, *etc. see* Cyclotetramethylene tetranitramine, *etc.*.												
	Octolite *or* Octol, *dry or wetted with less than 15 percent water, by mass.*	1.1D	UN0266	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Octonal	1.1D	UN0496		1.1D		None	62	None	Forbidden	Forbidden	10	
	Octyl aldehydes	3	UN1191	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Octyltrichlorosilane	8	UN1801	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Oil gas, compressed	2.3	UN1071		2.3, 2.1	6	None	304	314, 315	Forbidden	25 kg	D	40
	Oleum, see Sulfuric acid, fuming												
	Organic peroxide type A, liquid or solid.	Forbidden											
G	Organic peroxide type B, liquid	5.2	UN3101	II	5.2, 1	53	152	225	None	Forbidden	Forbidden	D	12, 40
G	Organic peroxide type B, liquid, temperature controlled.	5.2	UN3111	II	5.2, 1	53	None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type B, solid	5.2	UN3102	II	5.2, 1	53	152	225	None	Forbidden	Forbidden	D	12, 40
G	Organic peroxide type B, solid, temperature controlled.	5.2	UN3112	II	5.2, 1	53	None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type C, liquid	5.2	UN3103	II	5.2		152	225	None	5 L	10 L	D	12, 40
G	Organic peroxide type C, liquid, temperature controlled.	5.2	UN3113	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type C, solid	5.2	UN3104	II	5.2		152	225	None	5 kg	10 kg	D	12, 40
G	Organic peroxide type C, solid, temperature controlled.	5.2	UN3114	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type D, liquid	5.2	UN3105	II	5.2		152	225	None	5 L	10 L	D	12, 40
G	Organic peroxide type D, liquid, temperature controlled.	5.2	UN3115	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type D, solid	5.2	UN3106	II	5.2		152	225	None	5 kg	10 kg	D	12, 40
G	Organic peroxide type D, solid, temperature controlled.	5.2	UN3116	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type E, liquid	5.2	UN3107	II	5.2		152	225	None	10 L	25 L	D	12, 40
G	Organic peroxide type E, liquid, temperature controlled.	5.2	UN3117	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type E, solid	5.2	UN3108	II	5.2		152	225	None	10 kg	25 kg	D	12, 40
G	Organic peroxide type E, solid, temperature controlled.	5.2	UN3118	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type F, liquid	5.2	UN3109	II	5.2	IB52, IP5, T23	152	225	225	10 L	25 L	D	12, 40
G	Organic peroxide type F, liquid, temperature controlled.	5.2	UN3119	II	5.2	IB52, IP5, T23	None	225	225	Forbidden	Forbidden	D	2, 40
G	Organic peroxide type F, solid	5.2	UN3110	II	5.2	IB52, T23	152	225	225	10 kg	25 kg	D	12, 40
G	Organic peroxide type F, solid, temperature controlled.	5.2	UN3120	II	5.2	T23	None	225	225	Forbidden	Forbidden	D	2, 40
D	Organic phosphate, mixed with compressed gas *or* Organic phosphate compound, mixed with compressed gas *or* Organic phosphorus compound, mixed with compressed gas.	2.3	NA1955		2.3	3	None	334	None	Forbidden	Forbidden	D	40
	Organic pigments, self-heating	4.2	UN3313	II	4.2	IB8, IP4	None	212	241	15 kg	50 kg	C	
				III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	C	
	Organoarsenic compound, n.o.s.	6.1	UN3280	I	6.1	5, IB7, IP1, T14, TP2, TP27	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T11, TP2, TP27	None	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	
	Organochlorine pesticides liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2762	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Organochlorine pesticides, liquid, toxic.	6.1	UN2996	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Organochlorine pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN2995	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Organochlorine pesticides, solid toxic.	6.1	UN2761	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
G	Organometallic compound *or* Compound solution *or* Compound dispersion, water-reactive, flammable, n.o.s..	4.3	UN3207	I	4.3, 3	T13, TP2, TP7	None	201	244	Forbidden	1 L	E	40
				II	4.3, 3	IB1, IP2, T7, TP2, TP7	None	202	243	1 L	5 L	E	40
				III	4.3, 3	IB2, IP4, T7, TP2, TP7	None	203	242	5 L	60 L	E	40
G	Organometallic compound, toxic n.o.s..	6.1	UN3282	I	6.1	IB7, IP1, T14, TP2, TP27	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T11, TP2, TP27	None	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	
	Organophosphorus compound, toxic, flammable, n.o.s..	6.1	UN3279	I	6.1,.3	5, T14, TP2, TP13	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
	Organophosphorus compound, toxic n.o.s..	6.1	UN3278	I	6.1	5, IB7, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	
				II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	B	
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
	Organophosphorus pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2784	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Organophosphorus pesticides, liquid, toxic.	6.1	UN3018	I	6.1	N76, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, N76, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, N76, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Organophosphorus pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3017	I	6.1, 3	N76, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, N76, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, N76, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Organophosphorus pesticides, solid, toxic.	6.1	UN2783	I	6.1	IB7, IP1, N77	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, N77	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, N77	153	213	240	100 kg	200 kg	A	40
	Organotin compounds, liquid, n.o.s..	6.1	UN2788	I	6.1	A3, N33, N34, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	A3, IB2, N33, N34, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	A	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Organotin compounds, solid, n.o.s..	6.1	UN3146	I	6.1	A5, IB7, IP1	None	211	242	5 kg	50 kg	B	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Organotin pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2787	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Organotin pesticides, liquid, toxic	6.1	UN3020	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Organotin pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3019	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Organotin pesticides, solid, toxic	6.1	UN2786	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Orthonitroaniline, see Nitroanilines *etc.*												
	Osmium tetroxide	6.1	UN2471	I	6.1	A8, IB7, IP1, N33, N34	None	211	242	5 kg	50 kg	B	40
D G	Other regulated substances, liquid, n.o.s..	9	NA3082	III	9	IB3, T2, TP1	155	203	241	No limit	No limit	A	
D G	Other regulated substances, solid, n.o.s..	9	NA3077	III	9	B54, IB8, IP2	155	213	240	No limit	No limit	A	
G	Oxidizing liquid, corrosive, n.o.s.	5.1	UN3098	I	5.1, 8		None	201	244	Forbidden	2.5 L	D	13, 56, 58, 69, 106
				II	5.1, 8	IB1	None	202	243	1 L	5 L	B	34, 56, 58, 69, 106
				III	5.1, 8	IB2	152	203	242	2.5 L	30 L	B	34, 56, 58, 69, 106
G	Oxidizing liquid, n.o.s.	5.1	UN3139	I	5.1	127, A2	None	201	243	Forbidden	2.5 L	D	56, 58, 69, 106
				II	5.1	127, A2, IB2	152	202	242	1 L	5 L	B	56, 58, 69, 106
				III	5.1	127, A2, IB2	152	203	241	2.5 L	30 L	B	56, 58, 69, 106
G	Oxidizing liquid, toxic, n.o.s.	5.1	UN3099	I	5.1, 6.1		None	201	244	Forbidden	2.5 L	D	56, 58, 69, 106
				II	5.1, 6.1	IB1	None	202	243	1 L	5 L	B	56, 58, 95, 106
				III	5.1, 6.1	IB2	152	203	242	2.5 L	30 L	B	56, 58, 95, 106
G	Oxidizing solid, corrosive, n.o.s.	5.1	UN3085	I	5.1, 8		None	211	242	1 kg	15 kg	D	13, 56, 58, 69, 106
				II	5.1, 8	IB6, IP2	None	212	242	5 kg	25 kg	B	13, 34, 56, 58, 69, 106
				III	5.1, 8	IB8, IP3	152	213	240	25 kg	100 kg	B	13, 34, 56, 58, 69, 106
G	Oxidizing solid, flammable, n.o.s.	5.1	UN3137	I	5.1, 4.1		None	214	214	Forbidden	Forbidden		
G	Oxidizing solid, n.o.s.	5.1	UN1479	I	5.1	IB6, IP1	None	211	242	1 kg	15 kg	D	56, 58, 69, 106
				II	5.1	IB8, IP2, IP4	152	212	240	5 kg	25 kg	B	56, 58, 69, 106
				III	5.1	IB8, IP3	152	213	240	25 kg	100 kg	B	56, 58, 69, 106
G	Oxidizing solid, self-heating, n.o.s..	5.1	UN3100	II	5.1, 4.2		None	214	214	Forbidden	Forbidden		
G	Oxidizing solid, toxic, n.o.s.	5.1	UN3087	I	5.1, 6.1		None	211	242	1 kg	15 kg	D	56, 58, 69, 106
				II	5.1, 6.1	IB6, IP2	None	212	242	5 kg	25 kg	B	56, 58, 69, 95, 106
				III	5.1, 6.1	IB8, IP3	152	213	240	25 kg	100 kg	B	56, 58, 69, 95, 106
G	Oxidizing solid, water-reactive, n.o.s..	5.1	UN3121		5.1, 4.3		None	214	214	Forbidden	Forbidden		
	Oxygen and carbon dioxide mixtures, see Carbon dioxide and oxygen mixtures.												
	Oxygen, compressed	2.2	UN1072		2.2, 5.1	A52	306	302	314, 315	75 kg	150 kg	A	
	Oxygen difluoride, compressed	2.3	UN2190		2.3, 5.1, 8.	1	None	304	None	Forbidden	Forbidden	D	13, 40, 89, 90
	Oxygen generator, chemical *(including when contained in associated equipment, e.g., passenger service units (PSUs), portable breathing equipment (PBE), etc).*.	5.1	UN3356	II	5.1	60, A51	None	212	None	Forbidden	25 kg gross	D	56, 58, 69, 106
+	Oxygen generator, chemical, spent.	9	NA3356	III	9	61	None	213	None	Forbidden	Forbidden	A	
	Oxygen, mixtures with rare gases, see Rare gases and oxygen mixtures.												
	Oxygen, refrigerated liquid *(cryogenic liquid).*	2.2	UN1073		2.2, 5.1	T75, TP5, TP22	320	316	318	Forbidden	Forbidden	D	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Paint *including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.*	3	UN1263	I	3	T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Paint *or* Paint related material	8	UN3066	II	8	B2, IB2, T7, TP2	154	173	242	1 L	30 L	A	
				III	8	B52, IB3, T4, TP1	154	173	241	5 L	60 L	A	
	Paint related material *including paint thinning, drying, removing, or reducing compound.*	3	UN1263	I	3	T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Paper, unsaturated oil treated *incompletely dried (including carbon paper).*	4.2	UN1379	III	4.2	IB8, IP3	None	213	241	Forbidden	Forbidden	A	
	Paraformaldehyde	4.1	UN2213	III	4.1	A1, IB8, IP3	151	213	240	25 kg	100 kg	A	
	Paraldehyde	3	UN1264	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Paranitroaniline, solid, see Nitroanilines *etc.*												
D	Parathion and compressed gas mixture.	2.3	NA1967		2.3	3	None	334	245	Forbidden	Forbidden	E	40
	Paris green, solid, see Copper acetoarsenite.												
A W	PCB, *see* Polychlorinated biphenyls.												
+	Pentaborane	4.2	UN1380	I	4.2, 6.1	1	None	205	245	Forbidden	Forbidden	D	
	Pentachloroethane	6.1	UN1669	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	Pentachlorophenol	6.1	UN3155	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Pentaerythrite tetranitrate (dry)	Forbidden											
	Pentaerythrite tetranitrate mixture, desensitized, solid, n.o.s. *with more than 10 percent but not more than 20 percent PETN, by mass.*	4.1	UN3344	II	4.1	118	None	214	None	Forbidden	Forbidden	E	40
	Pentaerythrite tetranitrate *or* Pentaerythritol tetranitrate *or* PETN, *with not less than 7 percent wax by mass.*	1.1D	UN0411	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Pentaerythrite tetranitrate, wetted *or* Pentaerythritol tetranitrate, wetted, *or* PETN, wetted *with not less than 25 percent water, by mass, or* Pentaerythrite tetranitrate, *or* Pentaerythritol tetranitrate *or* PETN, desensitized *with not less than 15 percent phlegmatizer by mass.*	1.1D	UN0150	II	1.1D	121	None	62	None	Forbidden	Forbidden	10	
	Pentaerythritol tetranitrate, *see* Pentaerythrite tetranitrate, *etc.*												
	Pentafluoroethane *or* Refrigerant gas R 125.	2.2	UN3220		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Pentamethylheptane	3	UN2286	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Pentane-2,4-dione	3	UN2310	III	3, 6.1	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	
	Pentanes	3	UN1265	I	3	T11, TP2	150	201	243	1 L	30 L	E	
				II	3	IB2, IP8, T4, TP1	150	202	242	5 L	60 L	E	
	Pentanitroaniline (dry)	Forbidden											
	Pentanols	3	UN1105	II	3	IB2, T4, TP1, TP29	150	202	242	5 L	60 L	B	
				III	3	B1, B3, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	1-Pentene *(n-amylene)*	3	UN1108	I	3	T11, TP2	150	201	243	1 L	30 L	E	
	1-Pentol	8	UN2705	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	B	38
	Pentolite, *dry or wetted with less than 15 percent water, by mass.*	1.1D	UN0151	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Pepper spray, see Aerosols, *etc. or* Self-defense spray, non-pressurized.												
	Perchlorates, inorganic, aqueous solution, n.o.s..	5.1	UN3211	II	5.1	IB2, T4, TP1	152	202	242	1 L	5 L	B	46, 56, 58
				III	5.1	IB2, T4, TP1	152	202	241	2.5 L	30 L	B	56, 58, 69, 106
	Pepper spray, see Aerosols, etc. or Self-defense spray, non-pressurized.			III	5.1		152	203	241	2.5 L	30 L	B	56, 58, 69, 106
	Perchlorates, inorganic, n.o.s.	5.1	UN1481	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	46, 56
				III	5.1	IB8, IP3	152	213	240	25 kg	100 kg	A	46, 56
	Perchloric acid, with more than 72 percent acid by mass.	Forbidden											
	Perchloric acid *with more than 50 percent but not more than 72 percent acid, by mass.*	5.1	UN1873	I	5.1, 8	A2, A3, N41, T10, TP1, TP12	None	201	243	Forbidden	2.5 L	D	66

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Perchloric acid *with not more than 50 percent acid by mass.*	8	UN1802	II	8, 5.1	IB2, N41, T7, TP2	None	202	243	Forbidden	30 L	C	66
	Perchloroethylene, see Tetrachloroethylene.												
	Perchloromethyl mercaptan	6.1	UN1670	I	6.1	2, A3, A7, B9, B14, B32, B74, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Perchloryl fluoride	2.3	UN3083		2.3, 5.1	2, B9, B14	None	302	314, 315	Forbidden	Forbidden	D	40
	Percussion caps, see Primers, cap type.												
	Perfluoro-2-butene, see Octafluorobut-2-ene.												
	Perfluoro(ethyl vinyl ether)	2.1	UN3154		2.1		306	302, 304, 305.	314, 315	Forbidden	150 kg	E	40
	Perfluoro(methyl vinyl ether)	2.1	UN3153		2.1	T50	306	302, 304, 305.	314, 315	Forbidden	150 kg	E	40
	Perfumery products *with flammable solvents.*	3	UN1266	II	3	IB2, T4, TP1, TP8	150	202	242	15 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Permanganates, inorganic, aqueous solution, n.o.s..	5.1	UN3214	II	5.1	26, IB2, T4, TP1	152	202	242	1 L	5 L	D	56, 58, 69, 106, 107
	Permanganates, inorganic, n.o.s.	5.1	UN1482	II	5.1	26, A30, IB6, IP2	152	212	242	5 kg	25 kg	D	56, 58, 69, 106, 107
				III	5.1	26, A30, IB8, IP3	152	213	240	25 kg	100 kg	D	56, 58, 69, 106, 107
	Peroxides, inorganic, n.o.s.	5.1	UN1483	II	5.1	A7, A20, IB6, IP2, N34	None	212	242	5 kg	25 kg	A	13, 75, 106
				III	5.1	A7, A20, IB8, IP3, N34	152	213	240	25 kg	100 kg	A	13, 75, 106
	Peroxyacetic acid, with more than 43 percent and with more than 6 percent hydrogen peroxide.	Forbidden											
	Persulfates, inorganic, aqueous solution, n.o.s..	5.1	UN3216	III	5.1	IB2, T4, TP1, TP29	152	203	241	2.5 L	30 L	A	
	Persulfates, inorganic, n.o.s.	5.1	UN3215	III	5.1	IB8, IP3	152	213	240	25 kg	100 kg	A	
G	Pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN3021	I	3, 6.1	B5, T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	
G	Pesticides, liquid, toxic, flammable, n.o.s. *flash point not less than 23 degrees C.*	6.1	UN2903	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2	153	203	242	60 L	220 L	A	40
G	Pesticides, liquid, toxic, n.o.s.	6.1	UN2902	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
G	Pesticides, solid, toxic, n.o.s.	6.1	UN2588	I	6.1	IB7	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	PETN, *see* Pentaerythrite tetranitrate.												
	PETN/TNT, *see* Pentolite, *etc*												
	Petrol, *see* Gasoline												
	Petroleum crude oil	3	UN1267	I	3	T11, TP1, TP8	None	201	243	1 L	30 L	E	
				II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Petroleum distillates, n.o.s. *or* Petroleum products, n.o.s..	3	UN1268	I	3	T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Petroleum gases, liquefied *or* Liquefied petroleum gas.	2.1	UN1075		2.1	T50	306	304	314, 315	Forbidden	150 kg	E	40
D	Petroleum oil	3	NA1270	I	3	T11, TP1, TP9	None	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Phenacyl bromide	6.1	UN2645	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	B	40
+	Phenetidines	6.1	UN2311	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Phenol, molten	6.1	UN2312	II	6.1	B14, T7, TP3	None	202	243	Forbidden	Forbidden	B	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
+	Phenol, solid	6.1	UN1671	II	6.1	IB8, IP2, IP4, N76, T6, TP2	None	212	242	25 kg	100 kg	A	
	Phenol solutions	6.1	UN2821	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
				III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Phenolsulfonic acid, liquid	8	UN1803	II	8	B2, IB2, N41, T7, TP2	154	202	242	1 L	30 L	C	14
	Phenoxyacetic acid derivative pesticide, liquid, flammable, toxic *flash point less than 23 degrees C.*	3	UN3346	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Phenoxyacetic acid derivative pesticide, liquid, toxic.	6.1	UN3348	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3347	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Phenoxyacetic acid derivative pesticide, solid, toxic.	6.1	UN3345	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Phenyl chloroformate	6.1	UN2746	II	6.1, 8	IB2, T7, TP2, TP13	None	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100
	Phenyl isocyanate	6.1	UN2487	I	6.1, 3	2, B9, B14, B32, B74, B77, N33, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Phenyl mercaptan	6.1	UN2337	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	26, 40
	Phenyl phosphorus dichloride	8	UN2798	II	8	B2, B15, IB2, T7, TP2	154	202	242	Forbidden	30 L	B	40
	Phenyl phosphorus thiodichloride	8	UN2799	II	8	B2, B15, IB2, T7, TP2	154	202	242	Forbidden	30 L	B	40
	Phenyl urea pesticides, liquid, toxic.	6.1	UN3002	I	6.1	T14, TP2, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	T7, TP2	None	202	243	5 L	60 L	B	40
				III	6.1	T4, TP1	153	203	241	60 L	220 L	A	40
	Phenylacetonitrile, liquid	6.1	UN2470	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	26
	Phenylacetyl chloride	8	UN2577	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	40
	Phenylcarbylamine chloride	6.1	UN1672	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	m-Phenylene diaminediperchlorate (dry).	Forbidden											
+	Phenylenediamines *(o-, m-, p-)*	6.1	UN1673	III	6.1	IB8, IP3, T7, TP1	153	213	240	100 kg	200 kg	A	
	Phenylhydrazine	6.1	UN2572	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	Phenylmercuric acetate	6.1	UN1674	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Phenylmercuric compounds, n.o.s.	6.1	UN2026	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Phenylmercuric hydroxide	6.1	UN1894	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Phenylmercuric nitrate	6.1	UN1895	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Phenyltrichlorosilane	8	UN1804	II	8	A7, B6, IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
	Phosgene	2.3	UN1076		2.3, 8	1, B7, B46	None	192	314	Forbidden	Forbidden	D	40
	9-Phosphabicyclononanes *or* Cyclooctadiene phosphines.	4.2	UN2940	II	4.2	A19, IB6, IP2	None	212	241	15 kg	50 kg	A	
	Phosphine	2.3	UN2199		2.3, 2.1	1	None	192	245	Forbidden	Forbidden	D	40
	Phosphoric acid	8	UN1805	III	8	A7, IB3, IP3, N34, T4, TP1	154	203	241	5 L	60 L	A	
	Phosphoric acid triethyleneimine, see Tris-(1-aziridiyl)phosphine oxide, solution.												
	Phosphoric anhydride, see Phosphorus pentoxide.												
	Phosphorous acid	8	UN2834	III	8	IB8, IP3, T3, TP1	154	213	240	25 kg	100 kg	A	48
	Phosphorus, amorphous	4.1	UN1338	III	4.1	A1, A19, B1, B9, B26, IB8, IP3	None	213	243	25 kg	100 kg	A	74
	Phosphorus bromide, see Phosphorus tribromide.												
	Phosphorus chloride, see Phosphorus trichloride.												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Phosphorus heptasulfide, *free from yellow or white phosphorus.*	4.1	UN1339	II	4.1	A20, IB4, N34	None	212	240	15 kg	50 kg	B	74
	Phosphorus oxybromide	8	UN1939	II	8	B8, IB8, IP2, IP4, N41, N43, T7, TP2	None	212	240	Forbidden	50 kg	C	12, 40
	Phosphorus oxybromide, molten	8	UN2576	II	8	B2, B8, IB1, N41, N43, T7, TP3, TP13	None	202	242	Forbidden	Forbidden	C	40
+	Phosphorus oxychloride	8	UN1810	II	8, 6.1	2, A7, B9, B14, B32, B74, B77, N34, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Phosphorus pentabromide	8	UN2691	II	8	A7, IB8, IP2, IP4, N34	154	212	240	Forbidden	50 kg	B	12, 40
	Phosphorus pentachloride	8	UN1806	II	8	A7, IB8, IP2, IP4, N34	None	212	240	Forbidden	50 kg	C	40
	Phosphorus pentafluoride, compressed.	2.3	UN2198		2.3, 8	2, B9, B14	None	302, 304	314, 315	Forbidden	Forbidden	D	40
	Phosphorus pentasulfide, *free from yellow or white phosphorus.*	4.3	UN1340	II	4.3, 4.1	A20, B59, IB4	151	212	242	15 kg	50 kg	B	74
	Phosphorus pentoxide	8	UN1807	II	8	A7, IB8, IP2, IP4, N34	154	212	240	15 kg	50 kg	A	
	Phosphorus sesquisulfide, *free from yellow or white phosphorus.*	4.1	UN1341	II	4.1	A20, IB4, N34	None	212	240	15 kg	50 kg	B	74
	Phosphorus tribromide	8	UN1808	II	8	A3, A6, A7, B2, B25, IB2, N34, N43, T7, TP2	None	202	242	Forbidden	30 L	C	40
	Phosphorus trichloride	6.1	UN1809	I	6.1, 8	2, B9, B14, B15, B32, B74, B77, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Phosphorus trioxide	8	UN2578	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	12
	Phosphorus trisulfide, *free from yellow or white phosphorus.*	4.1	UN1343	II	4.1	A20, IB4, N34	None	212	240	15 kg	50 kg	B	74
	Phosphorus, white dry *or* Phosphorus, white, under water *or* Phosphorus white, in solution *or* Phosphorus, yellow dry *or* Phosphorus, yellow, under water *or* Phosphorus, yellow, in solution.	4.2	UN1381	I	4.2, 6.1	B9, B26, N34, T9, TP3	None	188	243	Forbidden	Forbidden	E	
	Phosphorus white, molten	4.2	UN2447	I	4.2, 6.1	B9, B26, N34, T21, TP3, TP7, TP26	None	188	243	Forbidden	Forbidden	D	
	Phosphorus (white or red) and a chlorate, mixtures of.	Forbidden											
	Phosphoryl chloride, see Phosphorus oxychloride.												
	Phthalic anhydride *with more than .05 percent maleic anhydride.*	8	UN2214	III	8	IB8, IP3, T4, TP3	154	213	240	25 kg	100 kg	A	
	Picolines	3	UN2313	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	40
	Picric acid, *see* Trinitrophenol, *etc*												
	Picrite, *see* Nitroguanidine, *etc*												
	Picryl chloride, *see* Trinitrochlorobenzene.												
	Pine oil	3	UN1272	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	alpha-Pinene	3	UN2368	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Piperazine	8	UN2579	III	8	IB8, IP3, T4, TP1	154	213	240	25 kg	100 kg	A	12
	Piperidine	8	UN2401	I	8, 3	T10, TP2	None	201	243	0.5 L	2.5 L	B	
	Pivaloyl chloride, see Trimethylacetyl chloride.												
	Plastic molding compound *in dough, sheet or extruded rope form evolving flammable vapor.*	9	UN3314	III	9	32, IB8, IP6	155	221	221	100 kg	200 kg	A	85, 87
	Plastic solvent, n.o.s., see Flammable liquids, n.o.s..												
	Plastics, nitrocellulose-based, self-heating, n.o.s..	4.2	UN2006	III	4.2		None	213	None	Forbidden	Forbidden	C	
	Poisonous gases, n.o.s., see Compressed *or* liquefied gases, flammable *or* toxic, n.o.s..												
	Polyalkylamines, n.o.s., see Amines, *etc.*												
	Polychlorinated biphenyls, liquid	9	UN2315	II	9	9, 81, 140, IB3, T4, TP1	155	202	241	100 L	220 L	A	95
	Polychlorinated biphenyls, solid	9	UN2315	II	9	9, 81, 140, IB7	155	212	240	100 kg	200 kg	A	95
	Polyester resin kit	3	UN3269		3	40	152	225	None	5 kg	5 kg	B	
	Polyhalogenated biphenyls, liquid *or* Polyhalogenated terphenyls liquid.	9	UN3151	II	9	IB3	155	204	241	100 L	220 L	A	95
	Polyhalogenated biphenyls, solid *or* Polyhalogenated terphenyls, solid.	9	UN3152	II	9	IB8, IP2, IP4	155	204	241	100 kg	200 kg	A	95

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Polymeric beads, expandable, *evolving flammable vapor.*	9	UN2211	III	None	32, IB8, IP6	155	221	221	100 kg	200 kg	A	85, 87
	Potassium	4.3	UN2257	I	4.3	A19, A20, B27, IB1, IP1, N6, N34, T9, TP3, TP7	None	211	244	Forbidden	15 kg	D	
	Potassium arsenate	6.1	UN1677	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Potassium arsenite	6.1	UN1678	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Potassium bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.												
	Potassium borohydride	4.3	UN1870	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
	Potassium bromate	5.1	UN1484	II	5.1	IB8, IP4	152	212	242	5 kg	25 kg	A	56, 58, 106
	Potassium carbonyl	Forbidden											
	Potassium chlorate	5.1	UN1485	II	5.1	A9, IB8, IP4, N34	152	212	242	5 kg	25 kg	A	56, 58, 106
	Potassium chlorate, aqueous solution.	5.1	UN2427	II	5.1	A2, IB2, T4, TP1	152	202	241	1 L	5 L	B	56, 58, 106
				III	5.1	A2, IB2, T4, TP1	152	203	241	2.5 L	30 L	B	56, 58, 69, 106
	Potassium chlorate mixed with mineral oil, see Explosive, blasting, type C.												
	Potassium cuprocyanide	6.1	UN1679	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	26
	Potassium cyanide	6.1	UN1680	I	6.1	B69, B77, IB7, IP1, N74, N75, T14, TP2, TP13	None	211	242	5 kg	50 kg	B	52
	Potassium dichloro isocyanurate or Potassium dichloro-s-triazinetrione, see Dichloroisocyanuric acid, dry *or* Dichloroisocyanuric acid salts *etc.*												
	Potassium dithionite *or* Potassium hydrosulfite.	4.2	UN1929	II	4.2	A8, A19, A20, IB6, IP2	None	212	241	15 kg	50 kg	E	13
	Potassium fluoride	6.1	UN1812	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	26
	Potassium fluoroacetate	6.1	UN2628	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	E	
	Potassium fluorosilicate	6.1	UN2655	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	26
	Potassium hydrate, see Potassium hydroxide, solid.												
	Potassium hydrogen fluoride, see Potassium hydrogen difluoride.												
	Potassium hydrogen fluoride solution, see Corrosive liquid, n.o.s.												
	Potassium hydrogen sulfate	8	UN2509	II	8	A7, IB8, IP2, IP4, N34	154	212	240	15 kg	50 kg	A	
	Potassium hydrogendifluoride, *solid.*	8	UN1811	II	8, 6.1	IB8, IP2, IP4, N3, N34, T7, TP2	154	212	240	15 kg	50 kg	A	25, 26, 40
	Potassium hydrogendifluoride, *solution.*	8	UN1811	II	8, 6.1	IB8, IP2, IP4, N3, N34, T7, TP2	154	202	243	1 L	30 L	A	25, 26, 40
	Potassium hydrosulfite, *see* Potassium dithionite.												
	Potassium hydroxide, liquid, see Potassium hydroxide solution.												
	Potassium hydroxide, solid	8	UN1813	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
	Potassium hydroxide, solution	8	UN1814	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Potassium hypochlorite, solution, see Hypochlorite solutions, *etc.*												
	Potassium, metal alloys	4.3	UN1420	I	4.3	A19, A20, B27, IB4, IP1	None	211	244	Forbidden	15 kg	D	
	Potassium metal, liquid alloy, see Alkali metal alloys, liquid, n.o.s.												
	Potassium metavanadate	6.1	UN2864	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Potassium monoxide	8	UN2033	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
	Potassium nitrate	5.1	UN1486	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Potassium nitrate and sodium nitrite mixtures.	5.1	UN1487	II	5.1	B78, IB8, IP4	152	212	240	5 kg	25 kg	A	56, 58
	Potassium nitrite	5.1	UN1488	II	5.1	IB8, IP4	152	212	242	5 kg	25 kg	A	56, 58
	Potassium perchlorate, solid	5.1	UN1489	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	56, 58, 106
	Potassium perchlorate, solution	5.1	UN1489	II	5.1	IB2, T4, TP1	152	202	242	1 L	5 L	A	56, 58, 106
	Potassium permanganate	5.1	UN1490	II	5.1	IB8, IP4	152	212	240	5 kg	25 kg	D	56, 58, 69, 106, 107
	Potassium peroxide	5.1	UN1491	I	5.1	A20, IB6, IP1, N34	None	211	None	Forbidden	15 kg	B	13, 75, 106
	Potassium persulfate	5.1	UN1492	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Potassium phosphide	4.3	UN2012	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 85
	Potassium selenate, see Selenates *or* Selenites.												
	Potassium selenite, see Selenates *or* Selenites.												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Potassium sodium alloys	4.3	UN1422	I	4.3	A19, B27, IB4, IP1, N34, N40, T9, TP3, TP7	None	211	244	Forbidden	15 kg	D	
	Potassium sulfide, anhydrous *or* Potassium sulfide *with less than 30 percent water of crystallization.*	4.2	UN1382	II	4.2	A19, A20, B16, IB6, IP2, N34	None	212	241	15 kg	50 kg	A	
	Potassium sulfide, hydrated *with not less than 30 percent water of crystallization.*	8	UN1847	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	26
	Potassium superoxide	5.1	UN2466	I	5.1	A20, IB6, IP1	None	211	None	Forbidden	15 kg	B	13, 75, 106
	Powder cake, wetted *or* Powder paste, wetted *with not less than 17 percent alcohol by mass.*	1.1C	UN0433	II	1.1C		None	62	None	Forbidden	Forbidden	10	
	Powder cake, wetted *or* Powder paste, wetted *with not less than 25 percent water, by mass.*	1.3C	UN0159	II	1.3C		None	62	None	Forbidden	Forbidden	10	
	Powder paste, *see* Powder cake, *etc.*												
	Powder, smokeless	1.1C	UN0160	II	1.1C		None	62	None	Forbidden	Forbidden		26E
	Powder, smokeless	1.3C	UN0161	II	1.3C		None	62	None	Forbidden	Forbidden		26E
	Power device, explosive, see Cartridges, power device.												
	Primers, cap type	1.4S	UN0044	II	None		None	62	None	25 kg	100 kg	05	
	Primers, cap type	1.1B	UN0377	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Primers, cap type	1.4B	UN0378	II	1.4B		None	62	None	Forbidden	75 kg	06	
	Primers, small arms, see Primers, cap type.												
	Primers, tubular	1.3G	UN0319	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Primers, tubular	1.4G	UN0320	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Primers, tubular	1.4S	UN0376	II	None		None	62	None	25 kg	100 kg	05	
	Printing ink, *flammable or* Printing ink related material *(including printing ink thinning or reducing compound), flammable.*	3	UN1210	I	3	T11, TP1, TP8	150	173	243	1 L	30 L	E	
				II	3	IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Projectiles, illuminating, see Ammunition, illuminating, *etc.*												
	Projectiles, *inert with tracer*	1.4S	UN0345	II	1.4S			62	None	25 kg	100 kg	01	
	Projectiles, *inert, with tracer*	1.3G	UN0424	II	1.3G			62	None	Forbidden	Forbidden	03	
	Projectiles, *inert, with tracer*	1.4G	UN0425	II	1.4G			62	None	Forbidden	75 kg	02	
	Projectiles, *with burster or expelling charge.*	1.2D	UN0346	II	1.2D			62	None	Forbidden	Forbidden	03	
	Projectiles, *with burster or expelling charge.*	1.4D	UN0347	II	1.4D			62	None	Forbidden	75 kg	02	
	Projectiles, *with burster or expelling charge.*	1.2F	UN0426	II	1.2F			62	None	Forbidden	Forbidden	08	
	Projectiles, *with burster or expelling charge.*	1.4F	UN0427	II	1.4F			62	None	Forbidden	Forbidden	08	
	Projectiles, *with burster or expelling charge.*	1.2G	UN0434	II	1.2G			62	None	Forbidden	Forbidden	03	
	Projectiles, *with burster or expelling charge.*	1.4G	UN0435	II	1.4G			62	None	Forbidden	75 kg	02	
	Projectiles, *with bursting charge*	1.1F	UN0167	II	1.1F			62	None	Forbidden	Forbidden	08	
	Projectiles, *with bursting charge*	1.1D	UN0168	II	1.1D			62	None	Forbidden	Forbidden	03	
	Projectiles, *with bursting charge*	1.2D	UN0169	II	1.2D			62	None	Forbidden	Forbidden	03	
	Projectiles, *with bursting charge*	1.2F	UN0324	II	1.2F			62	None	Forbidden	Forbidden	08	
	Projectiles, *with bursting charge*	1.4D	UN0344	II	1.4D			62	None	Forbidden	75 kg	02	
	Propadiene, stabilized	2.1	UN2200		2.1		None	304	314, 315	Forbidden	150 kg	B	40
	Propadiene mixed with methyl acetylene, see Methyl acetylene and propadiene mixtures, stabilized.												
	Propane *see also* Petroleum gases, liquefied.	2.1	UN1978		2.1	19, T50	306	304	314, 315	Forbidden	150 kg	E	40
	Propanethiols	3	UN2402	II	3	IB2, T4, TP1, TP13	150	202	242	5 L	60 L	E	95, 102
	n-Propanol *or* Propyl alcohol, normal.	3	UN1274	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Propellant, liquid	1.3C	UN0495	II	1.3C	37	None	62	None	Forbidden	Forbidden	10	
	Propellant, liquid	1.1C	UN0497	II	1.1C	37	None	62	None	Forbidden	Forbidden	10	
	Propellant, solid	1.1C	UN0498	II	1.1C		None	62	None	Forbidden	Forbidden		26E
	Propellant, solid	1.3C	UN0499	II	1.3C		None	62	None	Forbidden	Forbidden		26E
	Propellant, solid	1.4C	UN0501		1.4C		None	62	None	Forbidden	Forbidden	A	24E
	Propionaldehyde	3	UN1275	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	
	Propionic acid	8	UN1848	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Propionic anhydride	8	UN2496	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Propionitrile	3	UN2404	II	3, 6.1	IB2, T7, TP1, TP13	None	202	243	Forbidden	60 L	E	40
	Propionyl chloride	3	UN1815	II	3, 8	IB1, T7, TP1	None	202	243	1 L	5 L	B	40
	n-Propyl acetate	3	UN1276	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Propyl alcohol, *see* Propanol												
	n-Propyl benzene	3	UN2364	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Propyl chloride	3	UN1278	II	3	IB2, IP8, N34, T7, TP2	None	202	242	Forbidden	60 L	E	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	n-Propyl chloroformate	6.1	UN2740	I	6.1, 3, 8.	2, A3, A6, A7, B9, B14, B32, B74, B77, N34, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	B	21, 40, 100
	Propyl formates	3	UN1281	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	n-Propyl isocyanate	6.1	UN2482	I	6.1, 3	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Propyl mercaptan, see Propanethiols.												
	n-Propyl nitrate	3	UN1865	II	3	IB2, IP7	150	202	None	5 L	60 L	D	
	Propylamine	3	UN1277	II	3, 8	IB2, N34, T7, TP1	None	202	243	1 L	5 L	E	40
	Propylene *see also* Petroleum gases, liquefied.	2.1	UN1077		2.1	19, T50	306	304	314, 315	Forbidden	150 kg	E	40
	Propylene chlorohydrin	6.1	UN2611	II	6.1, 3	IB2, T7, TP2, TP13	None	202	243	5 L	60 L	A	12, 40, 48
	Propylene oxide	3	UN1280	I	3	A3, N34, T11, TP2, TP7	None	201	243	1 L	30 L	E	40
	Propylene tetramer	3	UN2850	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	1,2-Propylenediamine	8	UN2258	II	8, 3	A3, A6, IB2, N34, T7, TP2	None	202	243	1 L	30 L	A	40
	Propyleneimine, stabilized	3	UN1921	I	3, 6.1	A3, N34, T14, TP2, TP13	None	201	243	1 L	30 L	B	40
	Propyltrichlorosilane	8	UN1816	II	8, 3	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
	Prussic acid, see Hydrogen cyanide.												
	Pyrethroid pesticide, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN3350	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Pyrethroid pesticide, liquid toxic	6.1	UN3352	I	6.1	T14, TP2, TP13, TP27	None	211	242	1 L	30 L	A	40
				II	6.1	IB2, T11, TP2, TP27	153	212	242	5 L	60 L	A	40
				III	6.1	IB3, T7, TP2, TP28	153	213	240	60 L	220 L	A	40
	Pyrethroid pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3351	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	B	40
	Pyrethroid pesticide, solid, toxic	6.1	UN3349	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Pyridine	3	UN1282	II	3	IB2, T4, TP2	None	202	242	5 L	60 L	B	21, 100
	Pyridine perchlorate	Forbidden											
G	Pyrophoric liquid, inorganic, n.o.s.	4.2	UN3194	I	4.2		None	181	244	Forbidden	Forbidden	D	18
G	Pyrophoric liquids, organic, n.o.s.	4.2	UN2845	I	4.2	B11, T22, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
G	Pyrophoric metals, n.o.s., *or* Pyrophoric alloys, n.o.s.	4.2	UN1383	I	4.2	B11	None	187	242	Forbidden	Forbidden	D	
G	Pyrophoric organometallic compound, water-reactive, n.o.s.	4.2	UN3203	I	4.2, 4.3	T21, TP2, TP7	None	187	242	Forbidden	Forbidden	D	18
G	Pyrophoric solid, inorganic, n.o.s.	4.2	UN3200	I	4.2		None	187	242	Forbidden	Forbidden	D	
G	Pyrophoric solids, organic, n.o.s.	4.2	UN2846	I	4.2		None	187	242	Forbidden	Forbidden	D	
	Pyrosulfuryl chloride	8	UN1817	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40
	Pyroxylin solution or solvent, see Nitrocellulose.												
	Pyrrolidine	3	UN1922	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	40
	Quebrachitol pentanitrate	Forbidden											
	Quicklime, see Calcium oxide												
	Quinoline	6.1	UN2656	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	12
	R 12, see Dichlorodifluoromethane.												
	R 12B1, see Chlorodifluorobromomethane.												
	R 13, see Chlorotrifluoromethane												
	R 13B1, see Bromotrifluoromethane.												
	R 14, see Tetrafluoromethane												
	R 21, see Dichlorofluoromethane												
	R 22, see Chlorodifluoromethane												
	R 114, see Dichlorotetrafluoroethane.												
	R 115, see Chloropentafluoroethane.												
	R 116, see Hexafluoroethane												
	R 124, see Chlorotetrafluoroethane.												
	R 133a, see Chlorotrifluoroethane												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	R 152a, see Difluoroethane												
	R 500, see Dichlorodifluoromethane and difluorethane, *etc.*												
	R 502, see Chlorodifluoromethane and chloropentafluoroethane mixture, *etc.*												
	R 503, see Chlorotrifluoromethane and trifluoromethane, *etc.*												
D	Radioactive material, excepted package-articles manufactured from natural *or* depleted uranium *or* natural thorium.	7	UN2910		None		422, 426	422, 426	422, 426			A	
I	Radioactive material, excepted package-articles manufactured from natural uranium *or* depleted uranium *or* natural thorium.	7	UN2909		None		422, 426	422, 426	422, 426			A	
D	Radioactive material, excepted package-empty package *or* empty packaging.	7	UN2910		Empty		428	428	428			A	
I	Radioactive material, excepted package-empty packaging.	7	UN2908		Empty		422, 428	422, 428	422, 428			A	
D	Radioactive material, excepted package-instruments *or* articles.	7	UN2910		None		422, 424	422, 424	422, 424			A	
I	Radioactive material, excepted package-instruments *or* articles.	7	UN2911		None		422, 424	422, 424	422, 424			A	
	Radioactive material, excepted package-limited quantity of material.	7	UN2910		None		421, 422	421, 422	421, 422			A	
D	Radioactive material, fissile, n.o.s.	7	UN2918		7		453	417	417			A	40, 95
I	Radioactive material, low specific activity (LSA-I) *non fissile or fissile-excepted.*	7	UN2912		7	T5, TP4, W7	421, 422, 428.	427	427			A	95
I	Radioactive material, low specific activity (LSA-II) *non fissile or fissile-excepted.*	7	UN3321		7	T5, TP4, W7	421, 422, 428.	427	427			A	95
I	Radioactive material, low specific activity (LSA-III) *non fissile or fissile excepted.*	7	UN3322		7	T5, TP4, W7	421, 422, 428.	427	427			A	95
D	Radioactive material, low specific activity, n.o.s. *or* Radioactive material, LSA, n.o.s..	7	UN2912		7	T5, TP4	421, 428	427	427			A	
D	Radioactive material, n.o.s.	7	UN2982		7		421, 428	415, 416	415, 416			A	40, 95
D	Radioactive material, special form, n.o.s..	7	UN2974		7		421, 424	415, 416	415, 416			A	
D	Radioactive material, surface contaminated object *or* Radioactive material, SCO.	7	UN2913		7		421, 424, 426.	427	427			A	
I	Radioactive material, surface contaminated objects (SCO-I *or* SCO-II) *non fissile or fissile-excepted.*	7	UN2913		7		421, 422, 428.	427	427			A	95
I	Radioactive material, transported under special arrangement, *non fissile or fissile excepted.*	7	UN2919		7	139							
I	Radioactive material, transported under special arrangement, fissile.	7	UN3331		7	139							
I	Radioactive material, Type A package, fissile *non-special form.*	7	UN3327		7	W7, W8	453	417	417			A	95
I	Radioactive material, Type A package *non-special form, non fissile or fissile-excepted.*	7	UN2915		7	W7, W8		415	415			A	95
I	Radioactive material, Type A package, special form *non fissile or fissile-excepted.*	7	UN3332		7	W7, W8		415, 476	415, 476			A	95
I	Radioactive material, Type A package, special form, fissile.	7	UN3333		7	W7, W8	453	417, 476	417, 476			A	
I	Radioactive material, Type B(M) package, fissile.	7	UN3329		7		453	417	417			A	
I	Radioactive material, Type B(M) package *non fissile or fissile-excepted.*	7	UN2917		7			416	416			A	95
I	Radioactive material, Type B(U) package, fissile.	7	UN3328		7		453	417	417			A	
I	Radioactive material, Type B(U) package *non fissile or fissile-excepted.*	7	UN2916		7			416	416			A	95
I	Radioactive material, uranium hexafluoride *non fissile or fissile-excepted.*	7	UN2978		7, 8		423	420, 427	420, 427			A	95
I	Radioactive material, uranium hexafluoride, fissile.	7	UN2977		7, 8		453	417, 420	417, 420			A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Railway torpedo, see Signals, railway track, explosive.												
	Rare gases and nitrogen mixtures, compressed.	2.2	UN1981		2.2		306	302	None	75 kg	150 kg	A	
	Rare gases and oxygen mixtures, compressed.	2.2	UN1980		2.2	79	306	302	None	75 kg	150 kg	A	
	Rare gases mixtures, compressed.	2.2	UN1979		2.2		306	302	None	75 kg	150 kg	A	
	RC 318, see Octafluorocyclobutane.												
	RDX and cyclotetramethylenetetranitramine, wetted *or* desensitized *see* RDX and HMX mixtures, wetted or desensitized.												
	RDX and HMX mixtures, wetted *with not less than 15 percent water by mass or* RDX and HMX mixtures, desensitized *with not less than 10 percent phlegmatizer by mass.*	1.1D	UN0391	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	RDX and Octogen mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	RDX, see Cyclotrimethylene trinitramine, *etc.*												
	Receptacles, small, containing gas (gas cartridges) *flammable, without release device, not refillable and not exceeding 1 L capacity.*	2.1	UN2037		2.1		306	304	None	1 kg	15 kg	B	40
	Receptacles, small, containing gas (gas cartridges) *non-flammable, without release device, not refillable and not exceeding 1 L capacity.*	2.2	UN2037		2.2		306	304	None	1 kg	15 kg	B	40
	Red phosphorus, see Phosphorus, amorphous.												
	Refrigerant gas R 404A	2.2	UN3337		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Refrigerant gas R 407A	2.2	UN3338		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Refrigerant gas R 407B	2.2	UN3339		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
	Refrigerant gas R 407C	2.2	UN3340		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
G	Refrigerant gases, n.o.s.	2.2	UN1078		2.2	T50	306	304	314, 315	75 kg	150 kg	A	
D	Refrigerant gases, n.o.s. *or* Dispersant gases, n.o.s..	2.1	NA1954		2.1	T50	306	304	314, 315	Forbidden	150 kg	D	40
	Refrigerating machines, *containing flammable, non-toxic, liquefied gas.*	2.1	UN3358		2.1		306	306	306	Forbidden	Forbidden	C	40
	Refrigerating machines, *containing non-flammable, non-toxic, liquefied gas or ammonia solution (UN2672).*	2.2	UN2857		2.2	A53	306, 307	306	306, 307	450 kg	450 kg	A	
	Regulated medical waste	6.2	UN3291	II	6.2	A13, A14	134	197	None	No limit	No limit	E	
	Release devices, explosive	1.4S	UN0173	II	1.4S		None	62	None	25 kg	100 kg	05	
	Resin solution, *flammable*	3	UN1866	I	3	B52, T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Resorcinol	6.1	UN2876	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Rifle grenade, see Grenades, *hand or rifle, etc.*												
	Rifle powder, see Powder, smokeless *(UN 0160).*												
	Rivets, explosive	1.4S	UN0174	II	1.4S		None	62	None	25 kg	100 kg	05	
	Road asphalt or tar liquid, *see* Tars, liquid, *etc.*												
	Rocket motors	1.3C	UN0186	II	1.3C	109	None	62	None	Forbidden	220 kg	03	
	Rocket motors	1.1C	UN0280	II	1.1C	109	None	62	None	Forbidden	Forbidden	03	
	Rocket motors	1.2C	UN0281	II	1.2C	109	None	62	None	Forbidden	Forbidden	03	
	Rocket motors, liquid fueled	1.2J	UN0395	II	1.2J	109	None	62	None	Forbidden	Forbidden	04	23E
	Rocket motors, liquid fueled	1.3J	UN0396	II	1.3J	109	None	62	None	Forbidden	Forbidden	04	23E
	Rocket motors with hypergolic liquids *with or without an expelling charge.*	1.3L	UN0250	II	1.3L	109	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E
	Rocket motors with hypergolic liquids *with or without an expelling charge.*	1.2L	UN0322	II	1.2L	109	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E
	Rockets, line-throwing	1.2G	UN0238	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Rockets, line-throwing	1.3G	UN0240	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Rockets, line-throwing	1.4G	UN0453	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Rockets, liquid fueled *with bursting charge.*	1.1J	UN0397	II	1.1J		None	62	None	Forbidden	Forbidden	04	23E
	Rockets, liquid fueled *with bursting charge.*	1.2J	UN0398	II	1.2J		None	62	None	Forbidden	Forbidden	04	23E

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Rockets, *with bursting charge*	1.1F	UN0180	II	1.1F		None	62	None	Forbidden	Forbidden	08	
	Rockets, *with bursting charge*	1.1E	UN0181	II	1.1E		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with bursting charge*	1.2E	UN0182	II	1.2E		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with bursting charge*	1.2F	UN0295	II	1.2F		None	62	None	Forbidden	Forbidden	08	
	Rockets, *with expelling charge*	1.2C	UN0436	II	1.2C		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with expelling charge*	1.3C	UN0437	II	1.3C		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with expelling charge*	1.4C	UN0438	II	1.4C		None	62	None	Forbidden	75 kg	02	
	Rockets, *with inert head*	1.3C	UN0183	II	1.3C		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with inert head*	1.2C	UN0502		1.2		None	62	None	Forbidden	Forbidden	B	1E, 5E
	Rosin oil	3	UN1286	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Rubber solution	3	UN1287	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Rubidium	4.3	UN1423	I	4.3	22, A7, A19, IB1, IP1, N34, N40, N45	None	211	242	Forbidden	15 kg	D	
	Rubidium hydroxide	8	UN2678	II	8	IB8, IP2, IP4, T7, TP2	154	212	240	15 kg	50 kg	A	
	Rubidium hydroxide solution	8	UN2677	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Safety fuse, see Fuse, safety												
	Sand acid, see Fluorosilicic acid												
	Seed cake, *containing vegetable oil solvent extractions and expelled seeds, with not more than 10 percent of oil and when the amount of moisture is higher than 11 percent, with not more than 20 percent of oil and moisture combined.*	4.2	UN1386	III	None	IB8, IP3, IP6, N7	None	213	241	Forbidden	Forbidden	A	13
I	Seed cake *with more than 1.5 percent oil and not more than 11 percent moisture.*	4.2	UN1386	III	None	IB8, IP3, IP6, N7	None	213	241	Forbidden	Forbidden	E	13
I	Seed cake *with not more than 1.5 percent oil and not more than 11 percent moisture.*	4.2	UN2217	III	None	IB8, IP3, IP6, N7	None	213	241	Forbidden	Forbidden	A	13
	Selenates *or* Selenites	6.1	UN2630	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	E	
	Selenic acid	8	UN1905	I	8	IB7, IP1, N34	None	211	242	Forbidden	25 kg	A	
	Selenium compound, n.o.s.	6.1	UN3283	I	6.1	IB7, IP1, T14, TP2, TP27	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T11, TP2, TP27	None	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	
	Selenium disulfide	6.1	UN2657	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Selenium hexafluoride	2.3	UN2194		2.3, 8	1	None	302	None	Forbidden	Forbidden	D	40
	Selenium nitride	Forbidden											
	Selenium oxychloride	8	UN2879	I	8, 6.1	A3, A6, A7, N34, T10, TP2, TP12, TP13	None	201	243	0.5 L	2.5 L	E	40
	Self-defense spray, aerosol, see Aerosols, *etc.*												
+ A D	Self-defense spray, non-pressurized.	9	NA3334	III	9	A37	155	203	None	No limit	No limit	A	
G	Self-heating liquid, corrosive, inorganic, n.o.s..	4.2	UN3188	II	4.2, 8	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 8	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, corrosive, organic, n.o.s..	4.2	UN3185	II	4.2, 8	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 8	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, inorganic, n.o.s..	4.2	UN3186	II	4.2	IB2	None	202	242	1 L	5 L	C	
				III	4.2	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, organic, n.o.s.	4.2	UN3183	II	4.2	IB2	None	202	242	1 L	5 L	C	
				III	4.2	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, toxic, inorganic, n.o.s..	4.2	UN3187	II	4.2, 6.1	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 6.1	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, toxic, organic, n.o.s..	4.2	UN3184	II	4.2, 6.1	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 6.1	IB2	None	203	241	5 L	60 L	C	
G	Self-heating solid, corrosive, inorganic, n.o.s..	4.2	UN3192	II	4.2, 8	IB5, IP2	None	212	242	15 kg	50 kg	C	
				III	4.2, 8	IB8, IP3	None	213	242	25 kg	100 kg	C	
G	Self-heating, solid, corrosive, organic, n.o.s..	4.2	UN3126	II	4.2, 8	IB5, IP2	None	212	242	15 kg	50 kg	C	
				III	4.2, 8	IB8, IP3	None	213	242	25 kg	100 kg	C	
G	Self-heating solid, inorganic, n.o.s..	4.2	UN3190	II	4.2	IB6, IP2	None	212	241	15 kg	50 kg	C	
				III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	C	
G	Self-heating, solid, organic, n.o.s.	4.2	UN3088	II	4.2	IB6, IP2	None	212	241	15 kg	50 kg	C	
				III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	C	
G	Self-heating, solid, oxidizing, n.o.s..	4.2	UN3127		4.2, 5.1		None	214	214	Forbidden	Forbidden		
G	Self-heating solid, toxic, inorganic, n.o.s..	4.2	UN3191	II	4.2, 6.1	IB5, IP2	None	212	242	15 kg	50 kg	C	
				III	4.2, 6.1	IB8, IP3	None	213	242	25 kg	100 kg	C	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Self-heating, solid, toxic, organic, n.o.s..	4.2	UN3128	II	4.2, 6.1	IB5, IP2	None	212	242	15 kg	50 kg	C	
				III	4.2, 6.1	IB8, IP3	None	213	242	25 kg	100 kg	C	
	Self-propelled vehicle, see Engines *or* Batteries *etc.*												
G	Self-reactive liquid type B	4.1	UN3221	II	4.1	53	None	224	None	Forbidden	Forbidden	D	61
G	Self-reactive liquid type B, temperature controlled.	4.1	UN3231	II	4.1	53	None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive liquid type C	4.1	UN3223	II	4.1		None	224	None	5 L	10 L	D	61
G	Self-reactive liquid type C, temperature controlled.	4.1	UN3233	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive liquid type D	4.1	UN3225	II	4.1		None	224	None	5 L	10 L	D	61
G	Self-reactive liquid type D, temperature controlled.	4.1	UN3235	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive liquid type E	4.1	UN3227	II	4.1		None	224	None	10 L	25 L	D	61
G	Self-reactive liquid type E, temperature controlled.	4.1	UN3237	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive liquid type F	4.1	UN3229	II	4.1		None	224	None	10 L	25 L	D	61
G	Self-reactive liquid type F, temperature controlled.	4.1	UN3239	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive solid type B	4.1	UN3222	II	4.1	53	None	224	None	Forbidden	Forbidden	D	61
G	Self-reactive solid type B, temperature controlled.	4.1	UN3232	II	4.1	53	None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive solid type C	4.1	UN3224	II	4.1		None	224	None	5 kg	10 kg	D	61
G	Self-reactive solid type C, temperature controlled.	4.1	UN3234	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive solid type D	4.1	UN3226	II	4.1		None	224	None	5 kg	10 kg	D	61
G	Self-reactive solid type D, temperature controlled.	4.1	UN3236	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive solid type E	4.1	UN3228	II	4.1		None	224	None	10 kg	25 kg	D	61
G	Self-reactive solid type E, temperature controlled.	4.1	UN3238	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
G	Self-reactive solid type F	4.1	UN3230	II	4.1		None	224	None	10 kg	25 kg	D	61
G	Self-reactive solid type F, temperature controlled.	4.1	UN3240	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 61
	Shale oil	3	UN1288	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	B	
				II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Shaped charges, see Charges, shaped, *etc.*												
	Signal devices, hand	1.4G	UN0191	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Signal devices, hand	1.4S	UN0373	II	1.4S		None	62	None	25 kg	100 kg	05	
	Signals, distress, *ship*	1.1G	UN0194	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Signals, distress, *ship*	1.3G	UN0195	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Signals, highway, see Signal devices, hand.												
	Signals, railway track, explosive	1.1G	UN0192	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Signals, railway track, explosive	1.4S	UN0193	II	1.4S		None	62	None	25 kg	100 kg	05	
	Signals, railway track, explosive	1.3G	UN0492		1.3G		None	62	None	Forbidden	Forbidden	07	
	Signals, railway track, explosive	1.4G	UN0493		1.4G		None	62	None	Forbidden	75 kg	06	
	Signals, ship distress, water-activated, see Contrivances, water-activated, *etc.*												
	Signals, smoke	1.1G	UN0196	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Signals, smoke	1.4G	UN0197	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Signals, smoke	1.2G	UN0313	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Signals, smoke	1.3G	UN0487	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Silane, compressed	2.1	UN2203		2.1		None	302	None	Forbidden	Forbidden	E	40, 57, 104
	Silicofluoric acid, see Fluorosilicic acid.												
	Silicon chloride, see Silicon tetrachloride.												
	Silicon powder, amorphous	4.1	UN1346	III	4.1	A1, IB8, IP3	None	213	240	25 kg	100 kg	A	
	Silicon tetrachloride	8	UN1818	II	8	A3, A6, B2, B6, IB2, T7, TP2, TP7	154	202	242	1 L	30 L	C	40
	Silicon tetrafluoride, compressed	2.3	UN1859		2.3, 8	2	None	302	None	Forbidden	Forbidden	D	40
	Silver acetylide (dry)	Forbidden											
	Silver arsenite	6.1	UN1683	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Silver azide (dry)	Forbidden											
	Silver chlorite (dry)	Forbidden											
	Silver cyanide	6.1	UN1684	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	26, 40
	Silver fulminate (dry)	Forbidden											
	Silver nitrate	5.1	UN1493	II	5.1	IB8, IP4	152	212	242	5 kg	25 kg	A	
	Silver oxalate (dry)	Forbidden											
	Silver picrate (dry)	Forbidden											
	Silver picrate, wetted *with not less than 30 percent water, by mass.*	4.1	UN1347	I	4.1		None	211	None	Forbidden	Forbidden	D	28, 36
	Sludge, acid	8	UN1906	II	8	A3, A7, B2, IB2, N34, T8, TP2, TP12	None	202	242	Forbidden	30 L	C	14
D	Smokeless powder for small arms (*100 pounds or less*).	4.1	NA3178	I	4.1	16	None	171	None	Forbidden	7.3 kg	A	
	Soda lime *with more than 4 percent sodium hydroxide.*	8	UN1907	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Sodium	4.3	UN1428	I	4.3	A7, A8, A19, A20, B9, B48, B68, IB4, IP1, N34, T9, TP3, TP7, TP46	None	211	244	Forbidden	15 kg	D	
	Sodium aluminate, solid	8	UN2812	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	Sodium aluminate, solution	8	UN1819	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Sodium aluminum hydride	4.3	UN2835	II	4.3	A8, A19, A20, IB1	151	212	242	Forbidden	50 kg	E	
	Sodium ammonium vanadate	6.1	UN2863	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Sodium arsanilate	6.1	UN2473	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Sodium arsenate	6.1	UN1685	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Sodium arsenite, aqueous solutions.	6.1	UN1686	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
				III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A	
	Sodium arsenite, solid	6.1	UN2027	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Sodium azide	6.1	UN1687	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	36, 52, 91
	Sodium bifluoride, see Sodium hydrogendifluoride.												
	Sodium bisulfite, solution, see Bisulfites, aqueous solutions, n.o.s..												
	Sodium borohydride	4.3	UN1426	I	4.3	N40	None	211	242	Forbidden	15 kg	E	
	Sodium borohydride and sodium hydroxide solution, *with not more than 12 percent sodium borohydride and not more than 40 percent sodium hydroxide by mass.*	8	UN3320	II	8	B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A	26
				III	8	B2, IB3, N34, T4, TP2	154	203	241	5 L	60 L	A	
	Sodium bromate	5.1	UN1494	II	5.1	IB8, IP4	152	212	242	5 kg	25 kg	A	56, 58, 106
	Sodium cacodylate	6.1	UN1688	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	26
	Sodium chlorate	5.1	UN1495	II	5.1	A9, IB8, IP4, N34, T4, TP1	152	212	240	5 kg	25 kg	A	56, 58, 106
	Sodium chlorate, aqueous solution.	5.1	UN2428	II	5.1	A2, IB2, T4, TP1	152	202	241	1 L	5 L	B	56, 58, 106
				III	5.1	A2, IB2, T4, TP1	152	203	241	2.5 L	30 L	B	56, 58, 69, 106
	Sodium chlorate mixed with dinitrotoluene, see Explosive blasting, type C.												
	Sodium chlorite	5.1	UN1496	II	5.1	A9, IB8, IP2, IP4, N34, T4, TP1	None	212	242	5 kg	25 kg	A	56, 58, 106
	Sodium chloroacetate	6.1	UN2659	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
	Sodium cuprocyanide, solid	6.1	UN2316	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	26
	Sodium cuprocyanide, solution	6.1	UN2317	I	6.1	T14, TP2, TP13	None	201	243	1 L	30 L	B	26, 40
	Sodium cyanide	6.1	UN1689	I	6.1	B69, B77, IB7, IP1, N74, N75, T14, TP2, TP13	None	211	242	5 kg	50 kg	B	52
	Sodium dichloroisocyanurate or Sodium dichloro-s-triazinetrione, see Dichloroisocyanuric acid *etc.*												
	Sodium dinitro-o-cresolate, *dry or wetted with less than 15 percent water, by mass.*	1.3C	UN0234	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E
	Sodium dinitro-o-cresolate, wetted *with not less than 15 percent water, by mass.*	4.1	UN1348	I	4.1, 6.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	Sodium dithionite *or* Sodium hydrosulfite.	4.2	UN1384	II	4.2	A19, A20, IB6, IP2	None	212	241	15 kg	50 kg	E	13
	Sodium fluoride	6.1	UN1690	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	26
	Sodium fluoroacetate	6.1	UN2629	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	E	
	Sodium fluorosilicate	6.1	UN2674	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	26
	Sodium hydrate, see Sodium hydroxide, solid.												
	Sodium hydride	4.3	UN1427	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
	Sodium hydrogendifluoride, *solid*	8	UN2439	II	8	IB8, IP2, IP4, N3, N34	154	212	240	15 kg	50 kg	A	12, 25, 26, 40
	Sodium hydrogendifluoride *solution.*	8	UN2439	II	8	IB8, IP2, IP4, N3, N34	154	202	242	1 L	30 L	A	12, 25, 26, 40
	Sodium hydrosulfide, *with less than 25 percent water of crystallization.*	4.2	UN2318	II	4.2	A7, A19, A20, IB6, IP2	None	212	241	15 kg	50 kg	A	
	Sodium hydrosulfide *with not less than 25 percent water of crystallization.*	8	UN2949	II	8	A7, IB8, IP2, IP4, T7, TP2	154	212	240	15 kg	50 kg	A	26
	Sodium hydrosulfite, *see* Sodium dithionite.												
	Sodium hydroxide, solid	8	UN1823	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
	Sodium hydroxide solution	8	UN1824	II	8	B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, N34, T4, TP1	154	203	241	5 L	60 L	A	
	Sodium hypochlorite, solution, see Hypochlorite solutions *etc.*												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Sodium metal, liquid alloy, see Alkali metal alloys, liquid, n.o.s..												
	Sodium methylate	4.2	UN1431	II	4.2, 8	A19, IB5, IP2	None	212	242	15 kg	50 kg	B	
	Sodium methylate solutions *in alcohol.*	3	UN1289	II	3, 8	IB2, T7, TP1, TP8	None	202	243	1 L	5 L	B	
				III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
	Sodium monoxide	8	UN1825	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	
	Sodium nitrate	5.1	UN1498	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Sodium nitrate and potassium nitrate mixtures.	5.1	UN1499	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Sodium nitrite	5.1	UN1500	III	5.1, 6.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	56, 58
	Sodium pentachlorophenate	6.1	UN2567	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Sodium perchlorate	5.1	UN1502	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	56, 58, 106
	Sodium permanganate	5.1	UN1503	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	D	56, 58, 69, 106, 107
	Sodium peroxide	5.1	UN1504	I	5.1	A20, IB6, IP1, N34	None	211	None	Forbidden	15 kg	B	13, 75, 106
	Sodium peroxoborate, anhydrous	5.1	UN3247	II	5.1	IB8, IP4	152	212	240	5 kg	25 kg	A	13, 25, 106
	Sodium persulfate	5.1	UN1505	III	5.1	A1, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Sodium phosphide	4.3	UN1432	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 85
	Sodium picramate, *dry or wetted with less than 20 percent water, by mass.*	1.3C	UN0235	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E
	Sodium picramate, wetted *with not less than 20 percent water, by mass.*	4.1	UN1349	I	4.1	23, A8, A19, N41	None	211	None	Forbidden	15 kg	E	28, 36
	Sodium picryl peroxide	Forbidden											
	Sodium potassium alloys, see Potassium sodium alloys.												
	Sodium selenate, see Selenates *or* Selenites.												
	Sodium sulfide, anhydrous *or* Sodium sulfide *with less than 30 percent water of crystallization.*	4.2	UN1385	II	4.2	A19, A20, IB6, IP2, N34	None	212	241	15 kg	50 kg	A	
	Sodium sulfide, hydrated *with not less than30 percent water.*	8	UN1849	II	8	IB8, IP2, IP4, T7, TP2	154	212	240	15 kg	50 kg	A	26
	Sodium superoxide	5.1	UN2547	I	5.1	A20, IB6, IP1, N34	None	211	None	Forbidden	15 kg	E	13, 75, 106
	Sodium tetranitride	Forbidden											
G	Solids containing corrosive liquid, n.o.s..	8	UN3244	II	8	49, IB5	154	212	240	15 kg	50 kg	B	40
G	Solids containing flammable liquid, n.o.s..	4.1	UN3175	II	4.1	47, IB6, IP2	151	212	240	15 kg	50 kg	B	
G	Solids containing toxic liquid, n.o.s..	6.1	UN3243	II	6.1	48, IB2	None	212	240	25 kg	100 kg	B	40
	Sounding devices, explosive	1.2F	UN0204	II	1.2F		None	62	None	Forbidden	Forbidden	08	
	Sounding devices, explosive	1.1F	UN0296	II	1.1F		None	62	None	Forbidden	Forbidden	08	
	Sounding devices, explosive	1.1D	UN0374	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Sounding devices, explosive	1.2D	UN0375	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Spirits of salt, see Hydrochloric acid.												
	Squibs, see Igniters *etc*												
	Stannic chloride, anhydrous	8	UN1827	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	
	Stannic chloride, pentahydrate	8	UN2440	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
	Stannic phosphide	4.3	UN1433	I	4.3, 6.1	A19, N40	None	211	242	Forbidden	15 kg	E	40, 85
	Steel swarf, see Ferrous metal borings, *etc.*												
	Stibine	2.3	UN2676		2.3, 2.1	1	None	304	None	Forbidden	Forbidden	D	40
	Storage batteries, wet, see Batteries, *wet etc.*												
	Strontium arsenite	6.1	UN1691	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Strontium chlorate	5.1	UN1506	II	5.1	A1, A9, IB8, IP2, IP4, N34	152	212	242	5 kg	25 kg	A	56, 58, 106
	Strontium nitrate	5.1	UN1507	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	
	Strontium perchlorate	5.1	UN1508	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	56, 58, 106
	Strontium peroxide	5.1	UN1509	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	13, 75, 106
	Strontium phosphide	4.3	UN2013	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 85
	Strychnine *or* Strychnine salts	6.1	UN1692	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
	Styphnic acid, *see* Trinitroresorcinol, *etc.*												
	Styrene monomer, stabilized	3	UN2055	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
G	Substances, explosive, n.o.s.	1.1L	UN0357	II	1.1L	101	None	62	None	Forbidden	Forbidden		8E, 14E, 15E, 17E
G	Substances, explosive, n.o.s.	1.2L	UN0358	II	1.2L	101	None	62	None	Forbidden	Forbidden		8E, 14E, 15E, 17E

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Substances, explosive, n.o.s.	1.3L	UN0359	II	1.3L	101	None	62	None	Forbidden	Forbidden		8E, 14E, 15E, 17E
G	Substances, explosive, n.o.s.	1.1A	UN0473	II	1.1A	101, 111	None	62	None	Forbidden	Forbidden	12	
G	Substances, explosive, n.o.s.	1.1C	UN0474	II	1.1C	101	None	62	None	Forbidden	Forbidden	10	
G	Substances, explosive, n.o.s.	1.1D	UN0475	II	1.1D	101	None	62	None	Forbidden	Forbidden	10	
G	Substances, explosive, n.o.s.	1.1G	UN0476	II	1.1G	101	None	62	None	Forbidden	Forbidden	08	
G	Substances, explosive, n.o.s.	1.3C	UN0477	II	1.3C	101	None	62	None	Forbidden	Forbidden	10	
G	Substances, explosive, n.o.s.	1.3G	UN0478	II	1.3G	101	None	62	None	Forbidden	Forbidden	08	
G	Substances, explosive, n.o.s.	1.4C	UN0479	II	1.4C	101	None	62	None	Forbidden	75 kg	09	
6	Substances, explosive, n.o.s.	1.4D	UN0480	II	1.4D	101	None	62	None	Forbidden	75 kg	09	
G	Substances, explosive, n.o.s.	1.4S	UN0481	II	1.4S	101	None	62	None	25 kg	75 kg	05	
G	Substances, explosive, n.o.s.	1.4G	UN0485	II	1.4G	101	None	62	None	Forbidden	75 kg	08	
G	Substances, explosive, very insensitive, n.o.s., *or* Substances, EVI, n.o.s..	1.5D	UN0482	II	1.5D	101	None	62	None	Forbidden	Forbidden	10	
	Substituted nitrophenol pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2780	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Substituted nitrophenol pesticides, liquid, toxic.	6.1	UN3014	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Substituted nitrophenol pesticides, liquid, toxic, flammable *flash point not less than 23 degrees C.*	6.1	UN3013	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Substituted nitrophenol pesticides, solid, toxic.	6.1	UN2779	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Sucrose octanitrate (dry)	Forbidden											
	Sulfamic acid	8	UN2967	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	
D	Sulfur	9	NA1350	III	9	30, IB8, IP2	None	None	240	No limit	No limit	A	19, 74
I	Sulfur	4.1	UN1350	III	4.1	30, IB8, IP3, T1, TP1	None	None	240	No limit	No limit	A	19, 74
	Sulfur and chlorate, loose mixtures of.	Forbidden											
	Sulfur chlorides	8	UN1828	I	8	5, A3, B10, B77, N34, T20, TP2, TP12	None	201	243	Forbidden	2.5 L	C	40
	Sulfur dichloride, see Sulfur chlorides.												
	Sulfur dioxide	2.3	UN1079		2.3, 8	3, B14, T50, TP19	None	304	314, 315	Forbidden	25 kg	D	40
	Sulfur dioxide solution, see Sulfurous acid.												
	Sulfur hexafluoride	2.2	UN1080		2.2		306	304	314, 315	75 kg	150 kg	A	
D	Sulfur, molten	9	NA2448	III	9	IB3, T1, TP3	None	213	247	Forbidden	Forbidden	C	61
I	Sulfur, molten	4.1	UN2448	III	4.1	IB1, T1, TP3	None	213	247	Forbidden	Forbidden	C	61
	Sulfur tetrafluoride	2.3	UN2418		2.3, 8	1	None	302	245	Forbidden	Forbidden	D	40
+	Sulfur trioxide, stabilized	8	UN1829	I	8, 6.1	2, A7, B9, B14, B32, B49, B74, B77, N34, T20, TP4, TP12, TP13, TP25, TP26, TP38, TP45	None	227	244	Forbidden	Forbidden	A	40
	Sulfuretted hydrogen, see Hydrogen sulfide.												
	Sulfuric acid, fuming *with less than 30 percent free sulfur trioxide.*	8	UN1831	I	8	A3, A7, B84, N34, T20, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	C	14, 40
+	Sulfuric acid, fuming *with 30 percent or more free sulfur trioxide.*	8	UN1831	I	8, 6.1	2, A3, A6, A7, B9, B14, B32, B74, B77, B84, N34, T20, TP2, TP12, TP13	None	227	244	Forbidden	Forbidden	C	14, 40
	Sulfuric acid, spent	8	UN1832	II	8	A3, A7, B2, B83, B84, IB2, N34, T8, TP2, TP12	None	202	242	Forbidden	30 L	C	14
	Sulfuric acid *with more than 51 percent acid.*	8	UN1830	II	8	A3, A7, B3, B83, B84, IB2, N34, T8, TP2, TP12	154	202	242	1 L	30 L	C	14
	Sulfuric acid *with not more than 51% acid.*	8	UN2796	II	8	A3, A7, B2, B15, IB2, N6, N34, T8, TP2, TP12	154	202	242	1 L	30 L	B	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Sulfuric and hydrofluoric acid mixtures, *see* Hydrofluoric and sulfuric acid mixtures.	.....			.....		.....	.....	.....	.....	.....		.....
	Sulfuric anhydride, see Sulfur trioxide, stabilized.	.....			.....		.....	.....	.....	.....	.....		.....
	Sulfurous acid	8	UN1833	II	8	B3, IB2, T7, TP2	154	202	242	1 L	30 L	B	40
+	Sulfuryl chloride	8	UN1834	I	8, 6.1	1, A3, B6, B9, B10, B14, B30, B74, B77, N34, T22, TP2, TP12, TP38, TP44	None	226	244	Forbidden	Forbidden	C	40
	Sulfuryl fluoride	2.3	UN2191	.....	2.3	4	None	304	314, 315	Forbidden	25 kg	D	40
	Tars, liquid *including road asphalt and oils, bitumen and cut backs.*	3	UN1999	II	3	B13, IB2, T3, TP3, TP29	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, B13, IB3, T1, TP3	150	203	242	60 L	220 L	A	.....
	Tear gas candles	6.1	UN1700	II	6.1, 4.1		None	340	None	Forbidden	50 kg	D	40
	Tear gas cartridges, see Ammunition, tear-producing, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
D	Tear gas devices *with more than 2 percent tear gas substances, by mass.*	6.1	NA1693	I	6.1		None	340	None	Forbidden	Forbidden	D	40
	.....	.....		II	6.1		None	340	None	Forbidden	Forbidden	D	40
	Tear gas devices, with not more than 2 percent tear gas substances, by mass, see Aerosols, *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
	Tear gas grenades, see Tear gas candles.	.....			.....		.....	.....	.....	.....	.....		.....
G	Tear gas substances, liquid, n.o.s..	6.1	UN1693	I	6.1		None	201	None	Forbidden	Forbidden	D	40
	.....	.....		II	6.1	IB2	None	202	None	Forbidden	5 L	D	40
G	Tear gas substances, solid, n.o.s.	6.1	UN1693	I	6.1		None	211	None	Forbidden	15 kg	D	40
	.....	.....		II	6.1	IB8, IP2, IP4	None	212	None	Forbidden	25 kg	D	40
	Tellurium compound, n.o.s.	6.1	UN3284	I	6.1	IB7, IP1, T14, TP2, TP27	None	211	242	5 kg	50 kg	B	.....
	.....	.....		II	6.1	IB8, IP2, IP4, T11, TP2, TP27	None	212	242	25 kg	100 kg	B	.....
	.....	.....		III	6.1	IB8, IP3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	.....
	Tellurium hexafluoride	2.3	UN2195	.....	2.3, 8	1	None	302	None	Forbidden	Forbidden	D	40
	Terpene hydrocarbons, n.o.s.	3	UN2319	III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
	Terpinolene	3	UN2541	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Tetraazido benzene quinone	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Tetrabromoethane	6.1	UN2504	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	.....
	Tetrachloroethane	6.1	UN1702	II	6.1	IB2, N36, T7, TP2	None	202	243	5 L	60 L	A	40
	Tetrachloroethylene	6.1	UN1897	III	6.1	IB3, N36, T4, TP1	153	203	241	60 L	220 L	A	40
	Tetraethyl dithiopyrophosphate	6.1	UN1704	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	D	40
	Tetraethyl silicate	3	UN1292	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Tetraethylammonium perchlorate (dry).	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Tetraethylenepentamine	8	UN2320	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	.....
	1,1,1,2-Tetrafluoroethane *or* Refrigerant gas R 134a.	2.2	UN3159	.....	2.2	T50	306	304	314, 315	75 kg	150 kg	A	.....
	Tetrafluoroethylene, stabilized	2.1	UN1081	.....	2.1		306	304	None	Forbidden	150 kg	E	40
	Tetrafluoromethane, compressed *or* Refrigerant gas R 14.	2.2	UN1982	.....	2.2		None	302	None	75 kg	150 kg	A	.....
	1,2,3,6-Tetrahydrobenzaldehyde	3	UN2498	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Tetrahydrofuran	3	UN2056	II	3	IB2, T4, TP1	None	202	242	5 L	60 L	B	.....
	Tetrahydrofurfurylamine	3	UN2943	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Tetrahydrophthalic anhydrides *with more than 0.05 percent of maleic anhydride.*	8	UN2698	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	.....
	1,2,3,6-Tetrahydropyridine	3	UN2410	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Tetrahydrothiophene	3	UN2412	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Tetramethylammonium hydroxide	8	UN1835	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	.....
	Tetramethylene diperoxide dicarbamide.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Tetramethylsilane	3	UN2749	I	3	T14, TP2	None	201	243	Forbidden	30 L	D	.....
	Tetranitro diglycerin	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Tetranitroaniline	1.1D	UN0207	II	1.1D		None	62	None	Forbidden	Forbidden	10	.....
+	Tetranitromethane	5.1	UN1510	I	5.1, 6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP44	None	227	None	Forbidden	Forbidden	D	40, 66, 106
	2,3,4,6-Tetranitrophenol	Forbidden			.....		.....	.....	.....	.....	.....		.....
	2,3,4,6-Tetranitrophenyl methyl nitramine.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	2,3,4,6-Tetranitrophenylnitramine	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Tetranitroresorcinol (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	2,3,5,6-Tetranitroso-1,4-dinitrobenzene.	Forbidden			.....		.....	.....	.....	.....	.....		.....
	2,3,5,6-Tetranitroso nitrobenzene (dry).	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Tetrapropylorthotitanate	3	UN2413	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	.....
	Tetrazene, *see* Guanyl nitrosaminoguanyltetrazene.	.....			.....		.....	.....	.....	.....	.....		.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Tetrazine (dry)	Forbidden											
	Tetrazol-1-acetic acid	1.4C	UN0407	II	1.4C		None	62	None	Forbidden	75 kg	09	
	1H-Tetrazole	1.1D	UN0504		1.1D		None	62	None	Forbidden	Forbidden	B	1E, 5E
	Tetrazolyl azide (dry)	Forbidden											
	Tetryl, *see* Trinitrophenylmethylnitramine.												
	Thallium chlorate	5.1	UN2573	II	5.1, 6.1	IB6, IP2	None	212	242	5 kg	25 kg	A	56, 58, 106
	Thallium compounds, n.o.s.	6.1	UN1707	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
	Thallium nitrate	6.1	UN2727	II	6.1, 5.1	IB6, IP2	None	212	242	5 kg	25 kg	A	
	4-Thiapentanal	6.1	UN2785	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	D	25, 49
	Thioacetic acid	3	UN2436	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Thiocarbamate pesticide, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2772	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP13, TP27	None	202	243	1 L	60 L	B	40
	Thiocarbamate pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3005	I	6.1, 3	T14, TP2, TP13	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Thiocarbamate pesticide, liquid, toxic.	6.1	UN3006	I	6.1	T14, TP2, TP13	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Thiocarbamate pesticides, solid, toxic.	6.1	UN2771	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Thiocarbonylchloride, see Thiophosgene.												
	Thioglycol	6.1	UN2966	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Thioglycolic acid	8	UN1940	II	8	A7, B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A	
	Thiolactic acid	6.1	UN2936	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Thionyl chloride	8	UN1836	I	8	A7, B6, B10, N34, T10, TP2, TP12, TP13	None	201	243	Forbidden	Forbidden	C	40
	Thiophene	3	UN2414	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
+	Thiophosgene	6.1	UN2474	II	6.1	2, A7, B9, B14, B32, B74, N33, N34, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	B	26, 40
	Thiophosphoryl chloride	8	UN1837	II	8	A3, A7, B2, B8, B25, IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
	Thiourea dioxide	4.2	UN3341	II	4.2	IB6, IP2	None	212	241	15 kg	50 kg	D	
				III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	D	
D	Thorium metal, pyrophoric	7	UN2975		7, 4.2		None	418	None	Forbidden	Forbidden	D	
D	Thorium nitrate, solid	7	UN2976		7, 5.1		None	419	None	Forbidden	15 kg	A	
	Tin chloride, fuming, see Stannic chloride, anhydrous.												
	Tin perchloride or Tin tetrachloride, see Stannic chloride, anhydrous.												
	Tinctures, medicinal	3	UN1293	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Tinning flux, see Zinc chloride												
	Titanium disulphide	4.2	UN3174	III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	A	
	Titanium hydride	4.1	UN1871	II	4.1	A19, A20, IB4, N34	None	212	241	15 kg	50 kg	E	
	Titanium powder, dry	4.2	UN2546	I	4.2		None	211	242	Forbidden	Forbidden	D	
				II	4.2	A19, A20, IB6, IP2, N5, N34	None	212	241	15 kg	50 kg	D	
				III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	D	
	Titanium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.*	4.1	UN1352	II	4.1	A19, A20, IB6, IP2, N34	None	212	240	15 kg	50 kg	E	
	Titanium sponge granules *or* Titanium sponge powders.	4.1	UN2878	III	4.1	A1, IB8, IP3	None	213	240	25 kg	100 kg	D	
+	Titanium tetrachloride	8	UN1838	II	8, 6.1	2, A3, A6, B7, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Titanium trichloride mixtures	8	UN2869	II	8	A7, IB8, IP2, IP4, N34	154	212	240	15 kg	50 kg	A	40
				III	8	A7, IB8, IP3, N34	154	213	240	25 kg	100 kg	A	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Titanium trichloride, pyrophoric *or* Titanium trichloride mixtures, pyrophoric.	4.2	UN2441	I	4.2, 8	A7, A8, A19, A20, N34	None	181	244	Forbidden	Forbidden	D	40
	TNT mixed with aluminum, see Tritonal.												
	TNT, *see* Trinitrotoluene, *etc*												
	Toluene	3	UN1294	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
+	Toluene diisocyanate	6.1	UN2078	II	6.1	IB2, T7, TP2, TP13	None	202	243	5 L	60 L	D	25, 40
	Toluene sulfonic acid, see Alkyl, *or* Aryl sulfonic acid *etc.*												
+	Toluidines *liquid*	6.1	UN1708	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
+	Toluidines *solid*	6.1	UN1708	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	
	2,4-Toluylenediamine *or* 2,4-Toluenediamine.	6.1	UN1709	III	6.1	IB8, IP3, T4, TP1	153	213	240	100 kg	200 kg	A	
	Torpedoes, liquid fueled, *with inert head.*	1.3J	UN0450	II	1.3J			62	None	Forbidden	Forbidden	04	23E
	Torpedoes, liquid fueled, *with or without bursting charge.*	1.1J	UN0449	II	1.1J			62	None	Forbidden	Forbidden	04	23E
	Torpedoes *with bursting charge*	1.1E	UN0329	II	1.1E			62	None	Forbidden	Forbidden	03	
	Torpedoes *with bursting charge*	1.1F	UN0330	II	1.1F			62	None	Forbidden	Forbidden	08	
	Torpedoes *with bursting charge*	1.1D	UN0451	II	1.1D			62	None	Forbidden	Forbidden	03	
G	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	UN3289	I	6.1, 8	T14, TP2, TP13, TP27	None	201	243	0.5 L	2.5 L	A	
				II	6.1, 8	IB2, T11, TP2, TP27	None	202	243	1 L	30 L	A	
G	Toxic liquid, corrosive, inorganic, n.o.s. *Inhalation Hazard, Packing Group I, Zone A.*	6.1	UN3289	I	6.1, 8	1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	B	40
G	Toxic liquid, corrosive, inorganic, n.o.s. *Inhalation Hazard, Packing Group I, Zone B.*	6.1	UN3289	I	6.1, 8	2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
G	Toxic liquid, inorganic, n.o.s.	6.1	UN3287	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	A	
				II	6.1	IB2, T11, TP2, TP27	None	202	243	5 L	60 L	A	
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
G	Toxic liquid, inorganic, n.o.s. *Inhalation Hazard, Packing Group I, Zone A.*	6.1	UN3287	I	6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	B	40
G	Toxic liquid, inorganic, n.o.s. *Inhalation Hazard, Packing Group I, Zone B.*	6.1	UN3287	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
G	Toxic liquids, corrosive, organic, n.o.s.	6.1	UN2927	I	6.1, 8	T14, TP2, TP13, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	6.1, 8	IB2, T11, TP2, TP27	None	202	243	1 L	30 L	B	40
G	Toxic liquids, corrosive, organic, n.o.s., *inhalation hazard, Packing Group I, Zone A.*	6.1	UN2927	I	6.1, 8	1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic liquids, corrosive, organic, n.o.s., *inhalation hazard, Packing Group I, Zone B.*	6.1	UN2927	I	6.1, 8	2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
G	Toxic liquids, flammable, organic, n.o.s.	6.1	UN2929	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
G	Toxic liquids, flammable, organic, n.o.s., *inhalation hazard, Packing Group I, Zone A.*	6.1	UN2929	I	6.1, 3	1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic liquids, flammable, organic, n.o.s., *inhalation hazard, Packing Group I, Zone B.*	6.1	UN2929	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
G	Toxic, liquids, organic, n.o.s.	6.1	UN2810	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
G	Toxic, liquids, organic, n.o.s. *Inhalation hazard, Packing Group I, Zone A.*	6.1	UN2810	I	6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic, liquids, organic, n.o.s. *Inhalation hazard, Packing Group I, Zone B.*	6.1	UN2810	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Toxic liquids, oxidizing, n.o.s.	6.1	UN3122	I	6.1, 5.1	A4	None	201	243	Forbidden	2.5 L	C	
				II	6.1, 5.1	IB2	None	202	243	1 L	5 L	C	
G	Toxic liquids, oxidizing, n.o.s. *Inhalation hazard, Packing Group I, Zone A.*	6.1	UN3122	I	6.1, 5.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	C	
G	Toxic liquids, oxidizing, n.o.s. *Inhalation Hazard, Packing Group I, Zone B.*	6.1	UN3122	I	6.1, 5.1	2, B9, B14, B32, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	C	
G	Toxic liquids, water-reactive, n.o.s..	6.1	UN3123	I	6.1, 4.3	A4	None	201	243	Forbidden	1 L	E	40
				II	6.1, 4.3	IB2	None	202	243	1 L	5 L	E	40
G	Toxic liquids, water-reactive, n.o.s. *Inhalation hazard, packing group I, Zone A.*	6.1	UN3123	I	6.1, 4.3	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	E	40
G	Toxic liquids, water-reactive, n.o.s. *Inhalation hazard, packing group I, Zone B.*	6.1	UN3123	I	6.1, 4.3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	E	40
G	Toxic solid, corrosive, inorganic, n.o.s..	6.1	UN3290	I	6.1, 8	IB7	None	211	242	1 kg	25 kg	A	
				II	6.1, 8	IB6, IP2	None	212	242	15 kg	50 kg	A	
G	Toxic solid, inorganic, n.o.s.	6.1	UN3288	I	6.1	IB7	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
G	Toxic solids, corrosive, organic, n.o.s..	6.1	UN2928	I	6.1, 8	IB7	None	211	242	1 kg	25 kg	B	40
				II	6.1, 8	IB6, IP2	None	212	242	15 kg	50 kg	B	40
G	Toxic solids, flammable, organic, n.o.s..	6.1	UN2930	I	6.1, 4.1	IB6	None	211	242	1 kg	15 kg	B	
				II	6.1, 4.1	IB8, IP2, IP4	None	212	242	15 kg	50 kg	B	
G	Toxic solids, organic, n.o.s.	6.1	UN2811	I	6.1	IB7	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	
G	Toxic solids, oxidizing, n.o.s.	6.1	UN3086	I	6.1, 5.1		None	211	242	1 kg	15 kg	C	
				II	6.1, 5.1	IB6, IP2	None	212	242	15 kg	50 kg	C	
G	Toxic solids, self-heating, n.o.s.	6.1	UN3124	I	6.1, 4.2	A5	None	211	242	5 kg	15 kg	D	40
				II	6.1, 4.2	IB6, IP2	None	212	242	15 kg	50 kg	D	40
G	Toxic solids, water-reactive, n.o.s.	6.1	UN3125	I	6.1, 4.3	A5	None	211	242	5 kg	15 kg	D	40
				II	6.1, 4.3	IB6, IP2	None	212	242	15 kg	50 kg	D	40
D	Toy Caps	1.4S	NA0337	II	1.4S		None	62	None	25 kg	100 kg	05	
	Tracers for ammunition	1.3G	UN0212	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Tracers for ammunition	1.4G	UN0306	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Tractors, see Vehicle, *etc*												
	Tri-(b-nitroxyethyl) ammonium nitrate.	Forbidden											
	Triallyl borate	6.1	UN2609	III	6.1	IB3	153	203	241	60 L	220 L	A	13
	Triallylamine	3	UN2610	III	3, 8	B1, IB3, T4, TP1	None	203	242	5 L	60 L	A	40
	Triazine pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C.*	3	UN2764	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	None	202	243	1 L	60 L	B	40
	Triazine pesticides, liquid, toxic	6.1	UN2998	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Triazine pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN2997	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	None	202	243	5 L	60 L	B	40
				III	6.1, 3	IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Triazine pesticides, solid, toxic	6.1	UN2763	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Tributylamine	6.1	UN2542	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
	Tributylphosphane	4.2	UN3254	I	4.2		None	211	242	Forbidden	Forbidden	D	
	Trichloro-s-triazinetrione dry, with more than 39 percent available chlorine, see Trichloroisocyanuric acid, dry.												
	Trichloroacetic acid	8	UN1839	II	8	A7, IB8, IP2, IP4, N34	154	212	240	15 kg	50 kg	A	
	Trichloroacetic acid, solution	8	UN2564	II	8	A3, A6, A7, B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	B	
				III	8	A3, A6, A7, IB3, N34, T4, TP1	154	203	241	5 L	60 L	B	8
+	Trichloroacetyl chloride	8	UN2442	II	8, 6.1	2, A3, A7, B9, B14, B32, B74, N34, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Trichlorobenzenes, liquid	6.1	UN2321	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Trichlorobutene	6.1	UN2322	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	25, 40
	1,1,1-Trichloroethane	6.1	UN2831	III	6.1	IB3, N36, T4, TP1	153	203	241	60 L	220 L	A	40
	Trichloroethylene	6.1	UN1710	III	6.1	IB3, N36, T4, TP1	153	203	241	60 L	220 L	A	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Trichloroisocyanuric acid, dry	5.1	UN2468	II	5.1	IB8, IP4	152	212	240	5 kg	25 kg	A	13
	Trichloromethyl perchlorate	Forbidden											
	Trichlorosilane	4.3	UN1295	I	4.3, 3, 8.	A7, N34, T14, TP2, TP7, TP13	None	201	244	Forbidden	Forbidden	D	21, 28, 40, 49, 100
	Tricresyl phosphate *with more than 3 percent ortho isomer.*	6.1	UN2574	II	6.1	A3, IB2, N33, N34, T7, TP2	None	202	243	5 L	60 L	A	
	Triethyl phosphite	3	UN2323	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Triethylamine	3	UN1296	II	3, 8	IB2, T7, TP1	None	202	243	1 L	5 L	B	40
	Triethylenetetramine	8	UN2259	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	B	40
	Trifluoroacetic acid	8	UN2699	I	8	A3, A6, A7, B4, N3, N34, T10, TP2, TP12	None	201	243	0.5 L	2.5 L	B	12, 40
	Trifluoroacetyl chloride	2.3	UN3057		2.3, 8	2, B7, B9, B14, T50, TP21	None	304	314, 315	Forbidden	Forbidden	D	40
	Trifluorochloroethylene, stabilized	2.3	UN1082		2.3, 2.1	3, B14, T50	None	304	314, 315	Forbidden	Forbidden	D	40
	1,1,1-Trifluoroethane, compressed *or* Refrigerant gas R 143a.	2.1	UN2035		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Trifluoromethane *or* Refrigerant gas R 23.	2.2	UN1984		2.2		306	304	314, 315	75 kg	150 kg	A	
	Trifluoromethane, refrigerated liquid.	2.2	UN3136		2.2	T75, TP5	306	None	314, 315	50 kg	500 kg	D	
	2-Trifluoromethylaniline	6.1	UN2942	III	6.1	IB3	153	203	241	60 L	220 L	A	
	3-Trifluoromethylaniline	6.1	UN2948	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	40
	Triformoxime trinitrate	Forbidden											
	Triisobutylene	3	UN2324	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	
	Triisopropyl borate	3	UN2616	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	A	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
D	Trimethoxysilane	6.1	NA9269	I	6.1, 3	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	E	40
	Trimethyl borate	3	UN2416	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	B	
	Trimethyl phosphite	3	UN2329	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	1,3,5-Trimethyl-2,4,6-trinitrobenzene.	Forbidden											
	Trimethylacetyl chloride	6.1	UN2438	I	6.1, 8, 3.	2, A3, A6, A7, B3, B9, B14, B32, B74, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	25, 40
	Trimethylamine, anhydrous	2.1	UN1083		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Trimethylamine, aqueous solutions *with not more than 50 percent trimethylamine by mass.*	3	UN1297	I	3, 8	T11, TP1	None	201	243	0.5 L	2.5 L	D	40, 41
				II	3, 8	B1, IB2, T7, TP1	None	202	243	1 L	5 L	B	40, 41
				III	3, 8	B1, IB3, T7, TP1	150	203	242	5 L	60 L	A	40, 41
	1,3,5-Trimethylbenzene	3	UN2325	III	3	B1, IB3, T2, TP1	None	203	242	60 L	220 L	A	
	Trimethylchlorosilane	3	UN1298	II	3, 8	A3, A7, B77, IB2, N34, T7, TP2, TP13	None	202	243	1 L	5 L	E	40
	Trimethylcyclohexylamine	8	UN2326	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Trimethylene glycol diperchlorate	Forbidden											
	Trimethylhexamethylene diisocyanate.	6.1	UN2328	III	6.1	IB3, T4, TP2, TP13	153	203	241	60 L	220 L	B	
	Trimethylhexamethylenediamines	8	UN2327	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Trimethylol nitromethane trinitrate	Forbidden											
	Trinitro-meta-cresol	1.1D	UN0216	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	2,4,6-Trinitro-1,3-diazobenzene	Forbidden											
	2,4,6-Trinitro-1,3,5-triazido benzene (dry).	Forbidden											
	Trinitroacetic acid	Forbidden											
	Trinitroacetonitrile	Forbidden											
	Trinitroamine cobalt	Forbidden											
	Trinitroaniline *or* Picramide	1.1D	UN0153	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitroanisole	1.1D	UN0213	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0214	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrobenzene, wetted *with not less than 30 percent water, by mass.*	4.1	UN1354	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28
	Trinitrobenzenesulfonic acid	1.1D	UN0386	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	Trinitrobenzoic acid, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0215	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrobenzoic acid, wetted *with not less than 30 percent water, by mass.*	4.1	UN1355	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28
	Trinitrochlorobenzene *or* Picryl chloride.	1.1D	UN0155	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitroethanol	Forbidden											
	Trinitroethylnitrate	Forbidden											
	Trinitrofluorenone	1.1D	UN0387	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitromethane	Forbidden											
	1,3,5-Trinitronaphthalene	Forbidden											

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Trinitronaphthalene	1.1D	UN0217	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrophenetole	1.1D	UN0218	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrophenol *or* Picric acid, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0154	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	Trinitrophenol, wetted *with not less than 30 percent water, by mass.*	4.1	UN1344	I	4.1	23, A8, A19, N41	None	211	None	1 kg	15 kg	E	28, 36
	2,4,6-Trinitrophenyl guanidine (dry).	Forbidden											
	2,4,6-Trinitrophenyl nitramine	Forbidden											
	2,4,6-Trinitrophenyl trimethylol methyl nitramine trinitrate (dry).	Forbidden											
	Trinitrophenylmethylnitramine *or* Tetryl.	1.1D	UN0208	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitroresorcinol *or* Styphnic acid, *dry or wetted with less than 20 percent water, or mixture of alcohol and water, by mass.*	1.1D	UN0219	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	Trinitroresorcinol, wetted *or* Styphnic acid, wetted *with not less than 20 percent water, or mixture of alcohol and water by mass.*	1.1D	UN0394	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	2,4,6-Trinitroso-3-methyl nitraminoanisole.	Forbidden											
	Trinitrotetramine cobalt nitrate	Forbidden											
	Trinitrotoluene and Trinitrobenzene mixtures *or* TNT and trinitrobenzene mixtures *or* TNT and hexanitrostilbene mixtures *or* Trinitrotoluene and hexanitrostilnene mixtures.	1.1D	UN0388	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrotoluene mixtures containing Trinitrobenzene and Hexanitrostilbene *or* TNT mixtures containing trinitrobenzene and hexanitrostilbene.	1.1D	UN0389	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrotoluene *or* TNT, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0209	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrotoluene, wetted *with not less than 30 percent water, by mass.*	4.1	UN1356	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28
	Tripropylamine	3	UN2260	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Tripropylene	3	UN2057	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Tris-(1-aziridinyl)phosphine oxide, solution.	6.1	UN2501	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	
				III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Tris, bis-bifluoroamino diethoxy propane (TVOPA).	Forbidden											
	Tritonal	1.1D	UN0390	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Tungsten hexafluoride	2.3	UN2196		2.3, 8	2	None	338	None	Forbidden	Forbidden	D	40
	Turpentine	3	UN1299	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Turpentine substitute	3	UN1300	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	B	
				II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
∆				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Undecane	3	UN2330	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
D	Uranium hexafluoride, *fissile excepted or non-fissile.*	7	UN2978		7, 8		423	420, 427	420, 427				
D	Uranium hexafluoride, fissile (*with more than 1 percent U-235*).	7	UN2977		7, 8		453	417, 420	417, 420			A	
D	Uranium metal, pyrophoric	7	UN2979		7, 4.2		None	418	None			D	
D	Uranyl nitrate hexahydrate solution.	7	UN2980		7, 8		421, 427	415, 416, 417.	415, 416, 417.			D	
D	Uranyl nitrate, solid	7	UN2981		7, 5.1		None	419	None	Forbidden	15 kg	A	
	Urea hydrogen peroxide	5.1	UN1511	III	5.1, 8	A1, A7, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	13
	Urea nitrate, *dry or wetted with less than 20 percent water, by mass.*	1.1D	UN0220	II	1.1D	119	None	62	None	Forbidden	Forbidden	10	
	Urea nitrate, wetted *with not less than 20 percent water, by mass.*	4.1	UN1357	I	4.1	39, A8, A19, N41	None	211	None	1 kg	15 kg	A	28
	Urea peroxide, see Urea hydrogen peroxide.												
	Valeraldehyde	3	UN2058	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Valeric acid, see Corrosive liquids, n.o.s..												
	Valeryl chloride	8	UN2502	II	8, 3	A3, A6, A7, B2, IB2, N34, T7, TP2	154	202	243	1 L	30 L	C	40
	Vanadium compound, n.o.s.	6.1	UN3285	I	6.1	IB7, IP1, T14, TP2, TP27	None	211	242	5 kg	50 kg	B	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	(8) Packaging (§173.***) Non-bulk	(8) Packaging (§173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	6.1	IB8, IP2, IP4, T11, TP2, TP27	None	212	242	25 kg	100 kg	B	.....
	.....	.....		III	6.1	IB8, IP3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	.....
	Vanadium oxytrichloride	8	UN2443	II	8	A3, A6, A7, B2, B16, IB2, N34, T7, TP2	154	202	242	Forbidden	30 L	C	40
	Vanadium pentoxide, *non-fused form.*	6.1	UN2862	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	40
	Vanadium tetrachloride	8	UN2444	I	8	A3, A6, A7, B4, N34, T10, TP2	None	201	243	Forbidden	2.5 L	C	40
	Vanadium trichloride	8	UN2475	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	40
	Vanadyl sulfate	6.1	UN2931	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Vehicle, flammable gas powered	9	UN3166	.....	9	135	220	220	220	Forbidden	No limit	A	.....
	Vehicle, flammable liquid powered.	9	UN3166	.....	9	135	220	220	220	No limit	No limit	A	.....
	Very signal cartridge, see Cartridges, signal.	.....			.....		.....	.....	.....	.....	.....		.....
	Vinyl acetate, stabilized	3	UN1301	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Vinyl bromide, stabilized	2.1	UN1085	.....	2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Vinyl butyrate, stabilized	3	UN2838	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Vinyl chloride, stabilized *or* Vinyl chloride, stabilized.	2.1	UN1086	.....	2.1	21, B44, T50	306	304	314, 315	Forbidden	150 kg	B	40
	Vinyl chloroacetate	6.1	UN2589	II	6.1, 3	IB2, T7, TP2	None	202	243	5 L	60 L	A	.....
	Vinyl ethyl ether, stabilized	3	UN1302	I	3	A3, T11, TP2	None	201	243	1 L	30 L	D	.....
	Vinyl fluoride, stabilized	2.1	UN1860	.....	2.1		306	304	314, 315	Forbidden	150 kg	E	40
	Vinyl isobutyl ether, stabilized	3	UN1304	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	Vinyl methyl ether, stabilized	2.1	UN1087	.....	2.1	B44, T50	306	304	314, 315	Forbidden	150 kg	B	40
	Vinyl nitrate polymer	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Vinylidene chloride, stabilized	3	UN1303	I	3	T12, TP2, TP7	150	201	243	1 L	30 L	E	40
	Vinylpyridines, stabilized	6.1	UN3073	II	6.1, 3, 8.	IB1, T7, TP2, TP13	None	202	243	1 L	30 L	B	40
	Vinyltoluenes, stabilized	3	UN2618	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Vinyltrichlorosilane, stabilized	3	UN1305	I	3, 8	A3, A7, B6, N34, T11, TP2, TP13	None	201	243	Forbidden	2.5 L	B	40
	Warheads, rocket *with burster or expelling charge.*	1.4D	UN0370	II	1.4D		None	62	None	Forbidden	75 kg	02	.....
	Warheads, rocket *with burster or expelling charge.*	1.4F	UN0371	II	1.4F		None	62	None	Forbidden	Forbidden	08	.....
	Warheads, rocket *with bursting charge.*	1.1D	UN0286	II	1.1D		None	62	None	Forbidden	Forbidden	03	.....
	Warheads, rocket *with bursting charge.*	1.2D	UN0287	II	1.2D		None	62	None	Forbidden	Forbidden	03	.....
	Warheads, rocket *with bursting charge.*	1.1F	UN0369	II	1.1F		None	62	None	Forbidden	Forbidden	08	.....
	Warheads, torpedo *with bursting charge.*	1.1D	UN0221	II	1.1D		None	62	None	Forbidden	Forbidden	03	.....
G	Water-reactive liquid, corrosive, n.o.s..	4.3	UN3129	I	4.3, 8		None	201	243	Forbidden	1 L	D	.....
	.....	.....		II	4.3, 8	IB1	None	202	243	1 L	5 L	E	85
	.....	.....		III	4.3, 8	IB2	None	203	242	5 L	60 L	E	.....
G	Water-reactive liquid, n.o.s.	4.3	UN3148	I	4.3		None	201	244	Forbidden	1 L	E	40
	.....	.....		II	4.3	IB1	None	202	243	1 L	5 L	E	40
	.....	.....		III	4.3	IB2	None	203	242	5 L	60 L	E	40
G	Water-reactive liquid, toxic, n.o.s.	4.3	UN3130	I	4.3, 6.1	A4	None	201	243	Forbidden	1 L	D	.....
	.....	.....		II	4.3, 6.1	IB1	None	202	243	1 L	5 L	E	85
	.....	.....		III	4.3, 6.1	IB2	None	203	242	5 L	60 L	E	85
G	Water-reactive solid, corrosive, n.o.s..	4.3	UN3131	I	4.3, 8	IB4, IP1, N40	None	211	242	Forbidden	15 kg	D	.....
	.....	.....		II	4.3, 8	IB6, IP2	151	212	242	15 kg	50 kg	E	85
	.....	.....		III	4.3, 8	IB8, IP4	151	213	241	25 kg	100 kg	E	85
G	Water-reactive solid, flammable, n.o.s..	4.3	UN3132	I	4.3, 4.1	IB4, N40	None	211	242	Forbidden	15 kg	D	.....
	.....	.....		II	4.3, 4.1	IB4	151	212	242	15 kg	50 kg	E	.....
	.....	.....		III	4.3, 4.1	IB6	151	213	241	25 kg	100 kg	E	.....
G	Water-reactive solid, n.o.s.	4.3	UN2813	I	4.3	IB4, N40	None	211	242	Forbidden	15 kg	E	40
	.....	.....		II	4.3	IB7, IP2	151	212	242	15 kg	50 kg	E	40
	.....	.....		III	4.3	IB8, IP4	151	213	241	25 kg	100 kg	E	40
G	Water-reactive, solid, oxidizing, n.o.s..	4.3	UN3133	II	4.3, 5.1		None	214	214	Forbidden	Forbidden	E	40
	.....	.....		III	4.3, 5.1		None	214	214	Forbidden	Forbidden	E	40
G	Water-reactive solid, self-heating, n.o.s..	4.3	UN3135	I	4.3, 4.2	N40	None	211	242	Forbidden	15 kg	E	.....
	.....	.....		II	4.3, 4.2	IB5, IP2	None	212	242	15 kg	50 kg	E	.....
	.....	.....		III	4.3, 4.2	iB8, IP4	None	213	241	25 kg	100 kg	E	.....
G	Water-reactive solid, toxic, n.o.s.	4.3	UN3134	I	4.3, 6.1	A8, IB4, IP1, N40	None	211	242	Forbidden	15 kg	D	.....
	.....	.....		II	4.3, 6.1	IB5, IP2	151	212	242	15 kg	50 kg	E	85
	.....	.....		III	4.3, 6.1	IB8, IP4	151	213	241	25 kg	100 kg	E	85
	Wheel chair, electric, see Battery powered vehicle *or* Battery powered equipment.	.....			.....		.....	.....	.....	.....	.....		.....
	White acid, see Hydrofluoric acid	.....			.....		.....	.....	.....	.....	.....		.....
I	White asbestos *(chrysotile, actinolite, anthophyllite, tremolite).*	9	UN2590	III	9	IB8, IP2, IP3	155	216	240	200 kg	200 kg	A	34, 40
	Wood preservatives, liquid	3	UN1306	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	40
	.....	.....		III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	Xanthates	4.2	UN3342	II	4.2	IB6, IP2	None	212	241	15 kg	50 kg	D	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	D	40
	Xenon, compressed	2.2	UN2036	.....	2.2		306	302	None	75 kg	150 kg	A	.....
	Xenon, refrigerated liquid *(cryogenic liquids)*.	2.2	UN2591	.....	2.2	T75, TP5	320	None	None	50 kg	500 kg	B	.....
	Xylenes	3	UN1307	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	.....
	Xylenols	6.1	UN2261	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	.....
	Xylidines, solid	6.1	UN1711	II	6.1	IB8, IP2, IP4, T7, TP2	None	212	242	25 kg	100 kg	A	.....
	Xylidines, solution	6.1	UN1711	II	6.1	IB2, T7, TP2	None	202	243	5 L	60 L	A	.....
	Xylyl bromide	6.1	UN1701	II	6.1	A3, A6, A7, IB2, N33, T7, TP2, TP13	None	340	None	Forbidden	60 L	D	40
	p-Xylyl diazide	Forbidden											
	Zinc ammonium nitrite	5.1	UN1512	II	5.1	IB8, IP4	None	212	242	5 kg	25 kg	E	.....
	Zinc arsenate *or* Zinc arsenite *or* Zinc arsenate and zinc arsenite mixtures.	6.1	UN1712	II	6.1	IB8, IP2, IP4	None	212	242	25 kg	100 kg	A	.....
	Zinc ashes	4.3	UN1435	III	4.3	A1, A19, IB8, IP4	151	213	241	25 kg	100 kg	A	.....
	Zinc bisulfite solution, see Bisulfites, aqueous solutions, n.o.s..	.....											
	Zinc bromate	5.1	UN2469	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	56, 58, 106
	Zinc chlorate	5.1	UN1513	II	5.1	A9, IB8, IP2, IP4, N34	152	212	242	5 kg	25 kg	A	56, 58, 106
	Zinc chloride, anhydrous	8	UN2331	III	8	IB8, IP3	None	213	240	25 kg	100 kg	A	.....
	Zinc chloride, solution	8	UN1840	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	.....
	Zinc cyanide	6.1	UN1713	I	6.1	IB7, IP1	None	211	242	5 kg	50 kg	A	26
	Zinc dithionite *or* Zinc hydrosulfite	9	UN1931	III	None	IB8	155	204	240	100 kg	200 kg	A	49
	Zinc ethyl, see Diethylzinc	.....											
	Zinc fluorosilicate	6.1	UN2855	III	6.1	IB8, IP3	153	213	240	100 kg	200 kg	A	26
	Zinc hydrosulfite, *see* Zinc dithionite.	.....											
	Zinc muriate solution, see Zinc chloride, solution.	.....											
	Zinc nitrate	5.1	UN1514	II	5.1	IB8, IP4	152	212	240	5 kg	25 kg	A	.....
	Zinc permanganate	5.1	UN1515	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	D	56, 58, 69, 106, 107
	Zinc peroxide	5.1	UN1516	II	5.1	IB6, IP2	152	212	242	5 kg	25 kg	A	13, 75, 106
	Zinc phosphide	4.3	UN1714	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 85
	Zinc powder *or* Zinc dust	4.3	UN1436	I	4.3, 4.2	A19, IB4, IP1, N40	None	211	242	Forbidden	15 kg	A	.....
	.....	.....		II	4.3, 4.2	A19, IB7, IP2	None	212	242	15 kg	50 kg	A	.....
	.....	.....		III	4.3, 4.2	IB8, IP4	None	213	242	25 kg	100 kg	A	.....
	Zinc resinate	4.1	UN2714	III	4.1	A1, IB6	151	213	240	25 kg	100 kg	A	.....
	Zinc selenate, see Selenates *or* Selenites.	.....											
	Zinc selenite, see Selenates *or* Selenites.	.....											
	Zinc silicofluoride, see Zinc fluorosilicate.	.....											
	Zirconium, dry, *coiled wire, finished metal sheets, strip (thinner than 254 microns but not thinner than 18 microns).*	4.1	UN2858	III	4.1	A1, IB8	151	213	240	25 kg	100 kg	A	.....
	Zirconium, dry, *finished sheets, strip or coiled wire.*	4.2	UN2009	III	4.2	A1, A19, IB8	None	213	240	25 kg	100 kg	D	.....
	Zirconium hydride	4.1	UN1437	II	4.1	A19, A20, IB4, N34	None	212	240	15 kg	50 kg	E	.....
	Zirconium nitrate	5.1	UN2728	III	5.1	A1, A29, IB8, IP3	152	213	240	25 kg	100 kg	A	.....
	Zirconium picramate, *dry or wetted with less than 20 percent water, by mass.*	1.3C	UN0236	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E
	Zirconium picramate, wetted *with not less than 20 percent water, by mass.*	4.1	UN1517	I	4.1	23, N41	None	211	None	1 kg	15 kg	D	28, 36
	Zirconium powder, dry	4.2	UN2008	I	4.2		None	211	242	Forbidden	Forbidden	D	.....
	.....	.....		II	4.2	A19, A20, IB6, IP2, N5, N34	None	212	241	15 kg	50 kg	D	.....
	.....	.....		III	4.2	IB8, IP3	None	213	241	25 kg	100 kg	D	.....
	Zirconium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.*	4.1	UN1358	II	4.1	A19, A20, IB6, IP2, N34	None	212	241	15 kg	50 kg	E	.....
	Zirconium scrap	4.2	UN1932	III	4.2	IB8, IP3, N34	None	213	240	Forbidden	Forbidden	D	.....
	Zirconium suspended in a liquid	3	UN1308	I	3		None	201	243	Forbidden	Forbidden	B	.....
	.....	.....		II	3	IB2	None	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, IB2	150	203	242	60 L	220 L	B	.....

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Zirconium tetrachloride	8	UN2503	III	8	IB8, IP3	154	213	240	25 kg	100 kg	A	

BILLING CODE 14910 60 S

12. In Appendix B to § 172.101, paragraphs 1. and 2. are revised and the List of Marine Pollutants is amended by removing 94 entries, adding 16 entries and revising 1 entry in appropriate alphabetical order to read as follows:

Appendix B to § 172.101—List of Marine Pollutants

1. See § 171.4 of this subchapter for applicability to marine pollutants. This appendix lists potential marine pollutants as defined in § 171.8 of this subchapter.

2. Marine pollutants listed in this appendix are not necessarily listed by name in the § 172.101 Table. If a marine pollutant not listed by name or by synonym in the § 172.101 Table meets the definition of any hazard Class 1 through 8, then you must determine the class and division of the material in accordance with § 173.2a of this subchapter. You must also select the most appropriate hazardous material description and proper shipping name. If a marine pollutant not listed by name or by synonym in the § 172.101 Table does not meet the definition of any Class 1 through 8, then you must offer it for transportation under the most appropriate of the following two Class 9 entries: "Environmentally hazardous substances, liquid, n.o.s.," UN3082, or "Environmentally hazardous substances, solid, n.o.s." UN3077.

* * * * *

LIST OF MARINE POLLUTANTS

S.M.P.	Marine Pollutant
(1)	(2)
[Remove:]	AcetalAcetaldehyde
	Amyl mercaptans
	Anisole
	Benzaldehyde
	Butyl benzenes
	n-Butyl butyrate
	Butyl mercaptans
	Butylphenols, liquid
	Butylphenols, solid
	Butyraldehyde
	Calcium naphthenate
	Camphor oil
	Chlorotoluenes (ortho-, meta-, para-)
	Coal tar
	Coal tar naphtha
	Creosote (coal tar)
	Creosote (wood tar)
	Cresols (o-; m-; p-)
	Cresylic acid
	Cresylic acid sodium salt
	normal-Decaldehyde
	normal-Decanol
	Decyl acrylate
	1,2-Dichlorobenzene
	Dichlorobenzene (meta; ortho; para)
	Dichlorophenols, liquid
	Dichlorophenols, solid
	2,4-Dichlorophenoxyacetic acid (see also 2,4D)
	2,4 Dichlorophenoxyacetic acid diethanolamine salt
	2,4 Dichlorophenoxyacetic acid dimethylamine salt
	2,4-Dichlorophenoxyacetic acid triisopropylamine salt
	Diethybenzenes (mixed isomers)
	Diisopropylnaphthalene
	Dimethyl disulphide
	Dimethyl glyoxal (butanedione)
	Dimethyl sulphide
	Diphenyl ether
	Diphenyl ether/biphenyl phenyl ether mixtures
	Diphenyl/diphenyl ether (mixtures)
	EPTC (ISO)
	Ethyl acrylate, inhibited
	Ethyl chlorothioformate
	1-Ethyl-2-methylbenzene
	2-Ethylbutyraldehyde
	2-Ethylhexenal
	2,4-Hexadiene aldehyde
	normal-Hexaldehyde
	Iron oxide, spent
	Iron sponge, spent
	Isobutyl aldehyde
	Isobutyl isobutyrate
	Isobutyl priopionate
	Isobutyraldehyde
	Isodecaldehyde
	Isodecanol
	Isononanol
	Isooctanol
	Isopropylbenzene
	Isovaleraldehyde
	1-Methyl-4-ethylbenzene
	2-Methyl-5-ethylpyridine
	Methyl salicylate
	2-Methylbutyraldehyde
	Methylnaphthalenes, liquid
	Methylnaphthalenes, solid
	Methylstyrenes, inhibited
	Naphthalene, crude *or* refined
	Naphthalene, molten
	Naphthenic acids, liquid
	Naphthenic acids, solid

LIST OF MARINE POLLUTANTS

S.M.P.	Marine Pollutant
(1)	(2)
	Nitrocresols
	Nitrotolueunes (ortho-;meta-;para-), liquid
	Nitrotoluenes (ortho-;meta-;para-), solid
	1-Nonanal
	1-Nonanol
	1-Octanol
	Phenylethylene, inhibited
	alpha-Pinene
	Propanethiols
	Propionaldehyde
	n-Propylbenzene
	Styrene monomer, inhibited
	n-Tetramethylbenzenes
	4-Thiapentanal
	1,2,3-Trimethylbenzene
	1,2,4-Trimethyl benzene
	1,3,5-Trimethyl benzene
	Turpentine
	1-Undecanol
	normal-Valeraldehyde
	Vinylbenzene, inhibited
	Vinyltoluenes, inhibited *mixed isomers*
	Xylenols
[Add:]	
*	* * * * *
	Acrolein, stabilized
*	* * * * *
	Chlorotoluenes (meta-;para-)
*	* * * * *
	Cyanogen chloride, stabilized
*	* * * * *
	Desmedipham
*	* * * * *
PP	Diclofop-methyl
*	* * * * *
	Dichlorobenzene (meta-; para-)
*	* * * * *
	Diisopropylnaphthalenes, mixed isomers
*	* * * * *
	Ethyl acrylate, stabilized
*	* * * * *
PP	Fenchlorazole-ethyl
*	* * * * *
PP	Fenoxapro-ethyl

LIST OF MARINE POLLUTANTS

S.M.P. (1)	Marine Pollutant (2)
PP	Fenoxaprop-P-ethyl
* * * * *	
	Linuron
* * * * *	
PP	Silafluofen
* * * * *	
PP	1,2,3—Trichlorobenzene
* * * * *	
	Vinylidene chloride, stabilized Vinyltoluenes, stabilized
* * * * *	
[Revise:]	
PP	Dodecyl hydroxypropyl sulfide
* * * * *	

13. In § 172.102:

a. In paragraph (c)(1), Special Provisions 43, 110 and 136 are revised and Special Provisions 139, 142 and 143 are added;

b. In paragraph (c)(2), Special Provision A53 is added;

c. Paragraph (c)(3) introductory text and Special Provisions B53 and B69 are revised;

d. In paragraph (c)(3), Special Provisions B100, B101, B103, B104, B105, B106, B108, B109 and B110 are removed;

e. Paragraphs (c)(4) and (c)(7) are revised; and

f. Paragraph (c)(8), Special Provisions W7, W8 and W9 are added in numerical order.

The additions and revisions read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

43 The membrane filters, including paper separators and coating or backing materials, that are present in transport, must not be able to propagate a detonation as tested by one of the tests described in the UN Manual of Tests and Criteria, Part I, Test series 1(a) (see § 171.7 of this subchapter). On the basis of the results of suitable burning rate tests, and taking into account the standard tests in the UN Manual of Tests and Criteria, Part III, subsection 33.2.1 (see § 171.7 of this subchapter), nitrocellulose membrane filters in the form in which they are to be transported that do not meet the criteria for a Division 4.1 material are not subject to the requirements of this subchapter. Packagings must be so constructed that explosion is not possible by reason of increased internal pressure. Nitrocellulose membrane filters covered by this entry, each with a mass not exceeding 0.5 g, are not subject to the requirements of this subchapter when contained individually in an article or a sealed packet.

* * * * *

110 Fire extinguishers transported under UN1044 may include installed actuating cartridges (cartridges, power device of Division 1.4C or 1.4S), without changing the classification of Division 2.2, provided the aggregate quantity of deflagrating (propellant) explosives does not exceed 3.2 grams per extinguishing unit.

* * * * *

136 This entry only applies to machinery and apparatus containing hazardous materials as in integral element of the machinery or apparatus. It may not be used to describe machinery or apparatus for which a proper shipping name exists in the § 172.101 Table. Except when approved by the Associate Administrator, machinery or apparatus may only contain hazardous materials for which exceptions are referenced in Column (8) of the § 172.101 Table and are provided in part 173, subpart D, of this subchapter. Hazardous materials shipped under this entry are excepted from the labeling requirements of this subchapter unless offered for transportation or transported by aircraft and are not subject to the placarding requirements of part 173, subpart F, of this subchapter. Orientation markings as described in § 172.312 (a)(2) are required when liquid hazardous materials may escape due to incorrect orientation. The machinery or apparatus, if unpackaged, or the packaging in which it is contained shall be marked "Dangerous goods in machinery" or "Dangerous goods in apparatus", as appropriate, with the identification number UN3363. For transportation by aircraft, machinery or apparatus may not contain any material forbidden for transportation by passenger or cargo aircraft. The Associate Administrator may except from the requirements of this subchapter, equipment, machinery and apparatus provided:

a. It is shown that it does not pose a significant risk in transportation;

b. The quantities of hazardous materials do not exceed those specified in § 173.4 of this subchapter; and

c. The equipment, machinery or apparatus conforms with § 173.222 of this subchapter.

* * * * *

139 Use of the "special arrangement" proper shipping names for international shipments must be made under an IAEA Certificate of Competent Authority issued by the Associate Administrator in accordance with the requirements in § 173.471, § 173.472, or § 173.473 of this subchapter. Use of these proper shipping names for domestic shipments may be made only under a DOT exemption, as defined in, and in accordance with the requirements of subpart B of part 107 of this subchapter.

* * * * *

142 These hazardous materials may not be classified and transported unless authorized by the Associate Administrator. The Associate Administrator will base the authorization on results from Series 2 tests and a Series 6(c) test from the UN Manual of Tests and Criteria (see § 171.7 of this subchapter) on packages as prepared for transport in accordance with the requirements of this subchapter.

143 These articles may contain:

a. Division 2.2 compressed gases, including oxygen;

b. Signal devices (Class 1) which may include smoke and illumination signal flares. Signal devices must be packed in plastic or fiberboard inner packagings;

c. Electric storage batteries;

d. First aid kits; or

e. Strike anywhere matches.

(2) * * *

Code/Special Provisions

* * * * *

A53 Refrigerating machines and refrigerating machine components are not subject to the requirements of this subchapter when containing less than 12 kg (26.4 pounds) of a non-flammable gas or when containing 12 L (3 gallons) or less of ammonia solution (UN2672) (see § 173.307 of this subchapter).

(3) *"B" codes.* These provisions apply only to bulk packagings, other than IBCs:

Code/Special Provisions

* * * * *

B53 Packagings must be made of either aluminum or steel.

* * * * *

B69 Dry sodium cyanide or potassium cyanide may be shipped in sift-proof weather-resistant metal covered hopper cars, covered motor vehicles, portable tanks or non-specification bins. Siftproof, water-resistant, fiberboard IBCs are permitted when transported in closed freight containers or transport vehicles. Bins must be approved by the Associate Administrator.

* * * * *

(4) *Table 1, Table 2, and Table 3—IB Codes, Organic Peroxide IBC Code, and IP Special IBC Packing Provisions.* These provisions apply only to transportation in IBCs. IBCs may be used for the transportation of hazardous materials when no IBC code is assigned in the § 172.101 Table for the specific material only when approved by the Associate Administrator. Tables 1, 2, and 3 follow:

TABLE 1.—IB CODES (IBC CODES)

IBC Code	Authorized IBCs
IB1	*Authorized IBCs*: Metal (31A, 31B and 31N). *Additional Requirement*: Only liquids with a vapor pressure less than or equal to 110 kPa at 50°C (1.1 bar at 122°F), or 130 kPa at55°C (1.3 bar at 131°F) are authorized.
IB2	*Authorized IBCs*: Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1). *Additional Requirement*: Only liquids with a vapor pressure less than or equal to 110 kPa at 50°C (1.1 bar at 122°F), or 130kPa at 55°C (1.3 bar at 131°F) are authorized.
IB3	*Authorized IBCs*: Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1 and 31HA2, 31HB2, 31HN2, 31HD2 and 31HH2). *Additional Requirement*: Only liquids with a vapor pressure less than or equal to 110 kPa at 50°C (1.1 bar at 122°F), or 130 kPa at 55°C (1.3 bar at 131 °F) are authorized.
IB4	*Authorized IBCs*: Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N).
IB5	*Authorized IBCs*: Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 21HZ1 and 31HZ1).
IB6	*Authorized IBCs*: Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2). *Additional Requirement*: Composite IBCs 11HZ2 and 21HZ2 may not be used when the hazardous materials being transported may become liquid during transport.
IB7	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Wooden (11C, 11D and 11F). *Additional Requirement:* Liners of wooden IBCs must be sift-proof.
IB8	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Fiberboard (11G); Wooden (11C, 11D and 11F); Flexible (13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 or 13M2).
IB99	IBCs are only authorized if approved by the Associate Administrator.

TABLE 2.—ORGANIC PEROXIDE IBC CODE (IB52)

[This IBC Code applies to organic peroxides of type F. For formulations not listed in this table, only IBCs that are approved by the Associate Administrator may be used.]

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature	Emergency temperature
3109	ORGANIC PEROXIDE, TYPE F, LIQUID				
	tert-Butyl hydroperoxide, not more than 72% with water	31A	1250		
	tert-Butyl peroxyacetate, not more than 32% in diluent type A	31A	1250		
		31HA1	1000		
	tert-Butyl peroxy-3,5,5-trimethylhexanoate, not more than 32% in diluent type A.	31A	1250		
		31HA1	1000		
	Cumyl hydroperoxide, not more than 90% in diluent type A	31HA1	1250		
	Dibenzoyl peroxide, not more than 42% as a stable dispersion	31H1	1000		
	Di-tert-butyl peroxide, not more than 52% in diluent type A	31A	1250		
		31HA1	1000		
	1,1-Di-(tert-butylperoxy) cyclohexane, not more than 42% in diluent type A	31H1	1000		
	Dilauroyl peroxide, not more than 42%, stable dispersion, in water	31HA1	1000		
	Isopropyl cumyl hydroperoxide, not more than 72% in diluent type A	31HA1	1250		
	p-Menthyl hydroperoxide, not more than 72% in diluent type A	31HA1	1250		
	Peroxyacetic acid, stabilized, not more than 17%	31H1	1500		
		31HA1	1500		
		31A	1500		
3110	Organic peroxide type F, solid	31A			
		31H1			
		31HA1			
	Dicumyl peroxide	31A			
		31H1			
		31HA1			
3119	ORGANIC PEROXIDE, TYPE F, LIQUID, TEMPERATURE CONTROLLED				
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B	31HA1	1000	+30°C	+35°C
		31A	1250	+30°C	+35°C
	tert-Butyl peroxyneodecanoate, not more than 32% in diluent type A	31A	1250	0°C	+10°C
	tert-Butyl peroxyneodecanoate, not more than 42% stable dispersion, in water	31A	1250	−5°C	+5°C
	tert-Butyl peroxypivalate, not more than 27% in diluent type B	31HA1	1000	+10°C	+15°C
		31A	1250	+10°C	+15°C
	Cumyl peroxyneodecanoate, not more than 52%, stable dispersion, in water	31A	1250	−15°C	−5°C
	Di-(4-tert-butylcyclohexyl) peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+30°C	+35°C
	Dicetyl peroxydicarbonate, not more than 42%, stable dispersion, in water	31HA1	1000	+30°C	+35°C
	Di-(2-ethylhexyl) peroxydicarbonate, not more than 52%, stable dispersion, in water.	31A	1250	−20°C	−10°C
	Dimyristyl peroxydicarbonate, not more than 42%, stable dispersion, in water	31HA1	1000	+15°C	+20°C

TABLE 2.—ORGANIC PEROXIDE IBC CODE (IB52)—Continued

[This IBC Code applies to organic peroxides of type F. For formulations not listed in this table, only IBCs that are approved by the Associate Administrator may be used.]

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature	Emergency temperature
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 38% in diluent type A	31HA1	1000	+10°C	+15°C
		31A	1250	+10°C	+15°C
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 52%, stable dispersion, in water.	31A	1250	+10°C	+15°C
	1,1,3,3-Tetramethylbutyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1250	−5°C	+5°C

TABLE 3.—IP CODES

IP1 IBCs must be packed in closed freight containers or a closed transport vehicle.
IP2 When IBCs other than metal or rigid plastics IBCs are used, they must be offered for transportation in a closed freight container or a closed transport vehicle.
IP3 Flexible IBCs must be sift-proof and water-resistant or must be fitted with a sift-proof and water-resistant liner.
IP4 Flexible, fiberboard or wooden IBCs must be sift-proof and water-resistant or be fitted with a sift-proof and water-resistant liner.
IP5 IBCs must have a device to allow venting. The inlet to the venting device must be located in the vapor space of the IBC under maximum filling conditions.
IP6 Non-specification bulk bins are authorized.
IP7 For UN identification numbers 1327, 1363, 1364, 1365, 1386, 1841, 2211, 2217, 2793 and 3314, IBCs are not required to meet the IBC performance tests specified in part 178, subpart N of this subchapter.

* * * * *

(7) *"T" codes.* (i) These provisions apply to the transportation of hazardous materials in UN portable tanks. Portable tank instructions specify the requirements applicable to a portable tank when used for the transportation of a specific hazardous material. These requirements must be met in addition to the design and construction specifications in part 178 of this subchapter. Portable tank instructions T1 through T22 specify the applicable minimum test pressure, the minimum shell thickness (in reference steel), bottom opening requirements and pressure relief requirements. In T23, the organic peroxides and self-reactive substances which are authorized to be transported in portable tanks are listed along with the applicable control and emergency temperatures. Liquefied compressed gases are assigned to portable tank instruction T50. T50 provides the maximum allowable working pressures, bottom opening requirements, pressure relief requirements and degree of filling requirements for liquefied compressed gases permitted for transport in portable tanks. Refrigerated liquefied gases which are authorized to be transported in portable tanks are specified in tank instruction T75.

(ii) The following table specifies the portable tank requirements applicable to T Codes T1 through T22. Column 1 specifies the T Code. Column 2 specifies the minimum test pressure, in bar (1 bar = 14.5 psig), at which the periodic hydrostatic testing required by § 180.605 of this subchapter must be conducted. Column 3 specifies the section reference for minimum shell thickness or, alternatively, the minimum shell thickness value. Column 4 specifies the applicability of § 178.275(g)(3) of this subchapter for the pressure relief devices. When the word "Normal" is indicated, § 178.275(g)(3) of this subchapter does not apply. Column 5 references the applicable requirements for bottom openings in part 178 of this subchapter or references "Prohibited" which means bottom openings are prohibited. The table follows:

TABLE OF PORTABLE TANK T CODER T1–T22

[Portable tank code T1–T22 apply to liquid and solid hazardous materials of Classes 3 through 9 which are transported in portable tanks.]

Portable tank instruction (1)	Minimum test pressure (bar) (2)	Minimum shell thickness (in mm-reference steel) (See § 178.274(d)) (3)	Pressure-relief requirements (See § 178.275(g)) (4)	Bottom opening requirements (See § 178.275(d)) (5)
T1	1.5	§ 178.274(d)(2)	Normal	§ 178.275(d)(2).
T2	1.5	§ 178.274(d)(2)	Normal	§ 178.275(d)(3).
T3	2.65	§ 178.274(d)(2)	Normal	§ 178.275(d)(2).
T4	2.65	§ 178.274(d)(2)	Normal	§ 178.275(d)(3).
T5	2.65	§ 178.274(d)(2)	§ 178.275(g)(3)	Prohibited.
T6	4	§ 178.274(d)(2)	Normal	§ 178.275(d)(2).
T7	4	§ 178.274(d)(2)	Normal	§ 178.275(d)(3).
T8	4	§ 178.274(d)(2)	Normal	Prohibited.
T9	4	6 mm	Normal	Prohibited.
T10	4	6 mm	§ 178.275(g)(3)	Prohibited.
T11	6	§ 178.274(d)(2)	Normal	§ 178.275(d)(3).
T12	6	§ 178.274(d)(2)	§ 178.275(g)(3)	§ 178.275(d)(3).

TABLE OF PORTABLE TANK T CODER T1–T22—Continued

[Portable tank code T1–T22 apply to liquid and solid hazardous materials of Classes 3 through 9 which are transported in portable tanks.]

Portable tank instruction (1)	Minimum test pressure (bar) (2)	Minimum shell thickness (in mm-reference steel) (See § 178.274(d)) (3)	Pressure-relief requirements (See § 178.275(g)) (4)	Bottom opening requirements (See § 178.275(d)) (5)
T13	6	6 mm	Normal	Prohibited.
T14	6	6 mm	§ 178.275(g)(3)	Prohibited.
T15	10	§ 178.274(d)(2)	Normal	§ 178.275(d)(3).
T16	10	§ 178.274(d)(2)	§ 178.275(g)(3)	§ 178.275(d)(3).
T17	10	6 mm	Normal	§ 178.275(d)(3).
T18	10	6 mm	§ 178.275(g)(3)	§ 178.275(d)(3).
T19	10	6 mm	§ 178.275(g)(3)	Prohibited.
T20	10	8 mm	§ 178.275(g)(3)	Prohibited.
T21	10	10 mm	Normal	Prohibited.
T22	10	10 mm	§ 178.275(g)(3)	Prohibited.

(iii) The following table specifies the portable tank requirements applicable to T23 for self-reactive substances of Division 4.1 and organic peroxides of Division 5.2 which are authorized to be transported in portable tanks:

PORTABLE TANK CODE T23

[Portable tank code T23 applies to self-reactive substances of Division 4.1 and organic peroxides of Division 5.2.]

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel) See . . .	Bottom opening requirements See . . .	Pressure-relief requirements See . . .	Filling limits	Control tempereature	Emergency temperature
3109	Organic peroxide, Type F, liquid	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
	tert-Butyl hydroperoxide, not more than 72% with water. *Provided that steps have been taken to achieve the safety equivalence of 65% tert-Butyl hydroperoxide and 35% water	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
	Cumyl hydro-peroxide, not more than 90% in diluent type A	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
	Di-tert-butyl peroxide, not more than 32% in diluent type A	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
	Isopropyl cumyl hydro-peroxide, not more than 72% in diluent type A	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
	p-Menthyl hydro-peroxide, not more than 72% in diluent type A	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
	Pinanyl hydro-peroxide, not more than 50% in diluent type A	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
3110	Organic peroxide, Type F, solid Dicumyl peroxide. *Maximum quantity per portable tank 2,000 kg	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
3119	Organic peroxide, Type F, liquid, temperature controlled	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	As approved by Assoc. Admin.	As approved by Assoc. Admin.
	tert-Butyl peroxyacetate, not more than 32% in diluent tyupe B	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	+30°C	+35°C
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	+15°C	+20°C
	tert-Butyl peroxypivalate, not more than 27% in diluent type B	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	−5°C	+10°C

PORTABLE TANK CODE T23—Continued

[Portable tank code T23 applies to self-reactive substances of Division 4.1 and organic peroxides of Division 5.2.]

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel) See . . .	Bottom opening requirements See . . .	Pressure-relief requirements See . . .	Filling limits	Control tempereature	Emergency temperature
	tert-Butyl peroxy-3,5,5-trimethyl-hexanoate, not more than 32% in dileunt type B	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	+35°C	+40°C
	Di-(3,5,5-trimethyl-hexanoyl) peroxide, not more htan 38% in diluent type A	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	0°C	+5°C
3120	Organix peroxide, Type F, solid, temperature controlled	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	As approved by Assoc. Admin.	As approved by Assoc. Admin.
3229	Self-reactive liquid Type F	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
3230	Self-reactive solid Type F	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)		
3239	Self-reactive liquid Type F, temperature controlled	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	As approved by Assoc. Admin.	As approved by Assoc. Admin.
3240	Self-reactive solid Type F, temperature controlled	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59° F (15°C)	As approved by Assoc. Admin.	As approved by Assoc. Admin.

(iv) The following portable tank instruction applies to portable tanks used for the transportation of liquefied compressed gases. The T50 table provides the UN identification number and proper shipping name for each liquefied compressed gas authorized to be transported in a T50 portable tank. The table provides maximum allowable working pressures, bottom opening requirements, pressure relief device requirements and degree of filling requirements for each liquefied compressed gases permitted for transportation in a T50 portable tank. In the minimum test pressure column, "small" means a portable tank with a diameter of 1.5 meters or less when measured at the widest part of the shell, "sunshield" means a portable tank with a shield covering at least the upper third of the shell, "bare" means no sunshield or insulation is provided, and "insulated" means a complete cladding of sufficient thickness of insulating material necessary to provide a minimum conductance of not more than 0.67 w/m^2/k. In the pressure relief requirements column, the word "Normal" denotes that a frangible disc as specified in § 178.276(e)(3) of this subchapter is not required. The T50 table follows:

PORTABLE TANK CODE T50

[Portable tank code T50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gases	Max. allowable working pressure (bar) small; bare; sunshield; insulated	Openings below liquid level	Pressure relief requirements (see § 178.27(e))	Maximum filling density (kg/l)
1005	Ammonia, anhydrous	29.0 25.7 22.0 19.7	Allowed	§ 178.276(e)(3)	0.53
1009	Bromotrifluoromethane *or* Refrigerant gas R 13B1.	38.0 34.0 30.0 27.5	Allowed	Normal	1.13
1010	Butadienes, stabilized	7.5 7.0 7.0 7.0	Allowed	Normal	0.55
1011	Butane	7.0 7.0 7.0 7.0	Allowed	Normal	0.51

PORTABLE TANK CODE T50—Continued

[Portable tank code T50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gases	Max. allowable working pressure (bar) small; bare; sunshield; insulated	Openings below liquid level	Pressure relief requirements (see § 178.27(e))	Maximum filling density (kg/l)
1012	Butylene	8.0 7.0 7.0 7.0	Allowed	Normal	0.53
1017	Chlorine	19.0 17.0 15.0 13.5	Not Allowed	§ 178.276(e)(3)	1.25
1018	Chlorodifluoromethane *or* Refrigerant gas R 22.	26.0 24.0 21.0 19.0	Allowed	Normal	1.03
1020	Chloropentafluoroethane *or* Refrigerant gas R 115.	23.0 20.0 18.0 16.0	Allowed	Normal	1.06
1021	1-Chloro-1,2,2,2-tetrafluoroethane *or* Refrigerant gas R 124.	10.3 9.8 7.9 7.0	Allowed	Normal	1.2
1027	Cyclopropane	18.0 16.0 14.5 13.0	Allowed	Normal	0.53
1028	Dichlorodifluoromethane *or* Refrigerant gas R 12.	16.0 15.0 13.0 11.5	Allowed	Normal	1.15
1029	Dichlorofluoromethane *or* Refrigerant gas R 21.	7.0 7.0 7.0 7.0	Allowed	Normal	1.23
1030	1,1-Difluoroethane *or* Refrigerant gas R 152a.	16.0 14.0 12.4 11.0	Allowed	Normal	0.79
1032	Dimethylamine, anhydrous	7.0 7.0 7.0 7.0	Allowed	Normal	0.59
1033	Dimethyl ether	15.5 13.8 12.0 10.6	Allowed	Normal	0.58
1036	Ethylamine	7.0 7.0 7.0 7.0	Allowed	Normal	0.61
1037	Ethyl chloride	7.0 7.0 7.0 7.0	Allowed	Normal	0.8

PORTABLE TANK CODE T50—Continued

[Portable tank code T50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gases	Max. allowable working pressure (bar) small; bare; sunshield; insulated	Openings below liquid level	Pressure relief requirements (see § 178.27(e))	Maximum filling density (kg/l)
1040	Ethylene oxide with *nitrogen up to a total pressure of 1MPa (10 bar) at 50 °C.*	Only authorized in 10 bar insulatedportable tanks.	Not allowed	§ 178.276(e)(3)	0.78
1041	Ethylene oxide and carbon dioxide mixture *with more than 9% butnot more than 87% ethylene oxide.*	See MAWP defination in § 178.276(a).	Allowed	Normal	See § 173.32(f)
1055	Isobutylene	8.1 7.0 7.0 7.0	Allowed	Normal	0.52
1060	Methyl acetylene and propadiene mixture, stabilized.	28.0 24.5 22.0 20.0	Allowed	Normal	0.43
1061	Methylamine, anhydrous	10.8 9.6 7.8 7.0	Allowed	Normal	0.58
1062	Methyl bromide	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)(3)	1.51
1063	Methyl chloride *or* Refrigerant gas R 40.	14.5 12.7 11.3 10.0	Allowed	Normal	0.81
1064	Methyl mercaptan	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)(3)	0.78
1067	Dinitrogen tetroxide	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)(3)	1.3
1075	Petroleum gas, liquefied	See MAWP definition in § 178.276(a).	Allowed	Normal	See § 173.32(f)
1077	Propylene	28.0 24.5 22.0 20.0	Allowed	Normal	0.43
1078	Refrigerant gas, n.o.s.	See MAWP definition in § 178.276(a).	Allowed	Normal	See § 173.32(f)
1079	Sulphur dioxide	11.6 10.3 8.5 7.6	Not allowed	§ 178.276(e)(3)	1.23
1082	Trifluorochloroethylene, stabilized *or* Refrigerant gas R 1113.	17.0 15.0 13.1 11.6	Not allowed	§ 178.276(e)(3)	1.13

PORTABLE TANK CODE T50—Continued

[Portable tank code T50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gases	Max. allowable working pressure (bar) small; bare; sunshield; insulated	Openings below liquid level	Pressure relief requirements (see § 178.27(e))	Maximum filling density (kg/l)
1083	Trimethylamine, anhydrous	7.0 7.0 7.0 7.0	Allowed	Normal	0.56
1085	Vinyl bromide, stabilized	7.0 7.0 7.0 7.0	Allowed	Normal	1.37
1086	Vinyl chloride, stabilized	10.6 9.3 8.0 7.0	Allowed	Normal	0.81
1087	Vinyl methyl ether, stabilized	7.0 7.0 7.0 7.0	Allowed	Normal	0.67
1581	Chloropicrin and methyl bromide mixture.	7.0 7.0 7.0 7.0	Not Allowed	§ 178.276(e)(3)	1.51
1582	Chloropicrin and methyl chloride mixture.	19.2 16.9 15.1 13.1	Not allowed	§ 178.276(e)(3)	0.81
1858	Hexafluoropropylene compressed *or* Refrigerant gas R 1216.	19.2 16.9 15.1 13.1	Allowed	Normal	1.11
1912	Methyl chloride and methylene chloride mixture.	15.2 13.0 11.6 10.1	Allowed	Normal	0.811954
NA 1954	Insecticide gases, *flammable,* n.o.s.	See MAWP definition in § 178.276(a).	Allowed	Normal	§ 173.32(f)
1958	1,2-Dichloro-1,1,2,2-tetrafluoroethane *or* Refrigerant gas R 114.	7.0 7.0 7.0 7.0	Allowed	Normal	1.3
1965	Hydrocarbon gas, mixture liquefied, n.o.s..	See MAWP definition in 178.276(a).	Allowed	Normal	See § 173.32(f)
1969	Isobutane	8.5 7.5 7.0 7.0	Allowed	Normal	0.49
1973	Chlorodifluoromethane and chloropentafluoroethane mixture *with fixed boiling point, withapproximately 49% chlorodifluoromethane or Refrigerant gas R502.*	28.3 25.3 22.8 20.3	Allowed	Normal	1.05
1974	Chlorodifluorobromomethane *or* Refrigerant gas R 12B1.	7.4 7.0 7.0 7.0	Allowed	Normal	1.61

PORTABLE TANK CODE T50—Continued

[Portable tank code T50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gases	Max. allowable working pressure (bar) small; bare; sunshield; insulated	Openings below liquid level	Pressure relief requirements (see § 178.27(e))	Maximum filling density (kg/l)
1976	Octafluorocyclobutane *or* Refrigerant gas RC 318.	8.8 7.8 7.0 7.0	Allowed	Normal	1.34
1978	Propane	22.5 20.4 18.0 16.5	Allowed	Normal	0.42
1983	1-Chloro-2,2,2-trifluoroethane *or* Refrigerant gas R 133a.	7.0 7.0 7.0 7.0	Allowed	Normal	1.18
2035	1,1,1-Trifluoroethane compressed *or* Refrigerant gas R 143a.	31.0 27.5 24.2 21.8	Allowed	Normal	0.76
2424	Octafluoropropane *or* Refrigerant gas R 218.	23.1 20.8 18.6 16.6	Allowed	Normal	1.07
2517	1-Chloro-1,1-difluoroethane *or* Refrigerant gas R 142b.	8.9 7.8 7.0 7.0	Allowed	Normal	0.99
2602	Dichlorodifluoromethane and difluoroethane azeotropic mixture *with approximately 74% dichlorodifluoromethane or* Refrigerant gas R 500.	20.0 18.0 16.0 14.5	Allowed	Normal	1.01
3057	Trifluoroacetyl chloride	14.6 12.9 11.3 9.9	Not allowed	§ 178.276(e)(3)	1.17
3070	Ethylene oxide and dichlorodifluoromethane mixture *with not more than 12.5% ethylene oxide.*	14.0 12.0 11.0 9.0	Allowed	§ 178.276(e)(3)	1.09
3153	Perfluoro (methyl vinyl ether)	14.3 13.4 11.2 10.2	Allowed	Normal	1.14
3159	1,1,1,2-Tetrafluoroethane *or* Refrigerant gas R 134a.	17.7 15.7 13.8 12.1	Allowed	Normal	1.04
3161	Liquefied gas, flammable, n.o.s.	See MAWP definition in § 178.276(a).	Allowed	Normal	§ 173.32(f)
3163	Liquefied gas, n.o.s.	See MAWP definition in § 178.276(a).	Allowed	Normal	§ 173.32(f)

PORTABLE TANK CODE T50—Continued

[Portable tank code T50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gases	Max. allowable working pressure (bar) small; bare; sunshield; insulated	Openings below liquid level	Pressure relief requirements (see § 178.27(e))	Maximum filling density (kg/l)
3220	Pentafluoroethane *or* Refrigerant gas R 125.	34.4 30.8 27.5 24.5	Allowed	Normal	0.95
3252	Difluoromethane *or* Refrigerant gas R 32.	43.0 39.0 34.4 30.5	Allowed	Normal	0.78
3296	Heptafluoropropane *or* Refrigerant gas R 227.	16.0 14.0 12.5 11.0	Allowed	Normal	1.2
3297	Ethylene oxide and chlorotetrafluoroethane mixture, *with not more than 8.8% ethylene oxide.*	8.1 7.0 7.0 7.0	Allowed	Normal	1.16
3298	Ethylene oxide and pentafluoroethane mixture, *with not more than 7.9% ethylene oxide.*	25.9 23.4 20.9 18.6	Allowed	Normal	1.02
3299	Ethylene oxide and tetrafluoroethane mixture, *with not more than 5.6% ethylene oxide.*	16.7 14.7 12.9 11.2	Allowed	Normal	1.03
3318	Ammonia solution, *relative density less than 0.880 at 15 °C in water, with more than 50% ammonia.*	See MAWP definition in 178.276(a).	Allowed	§ 178.276(e)(3)	§ 173.32(f)
3337	Refrigerant gas R 404A	31.6 28.3 25.3 22.5	Allowed	Normal	0.84
3338	Refrigerant gas R 407A	31.3 28.1 25.1 22.4	Allowed	Normal	0.95
3339	Refrigerant gas R 407B	33.0 29.6 26.5 23.6	Allowed	Normal	0.95
3340	Refrigerant gas R 407C	29.9 26.8 23.9 21.3	Allowed	Normal	0.95

(v) When portable tank instruction T75 is referenced in Column (7) of the § 172.101 Table, the applicable refrigerated liquefied gases are authorized to be transported in portable tanks in accordance with the requirements of § 178.277 of this subchapter.

(vi) *UN and IM portable tank codes/special provisions.* When a specific portable tank instruction is specified by a T Code in Column (7) of the § 172.101 Table for a specific hazardous material, a Specification portable tank conforming to an alternative tank instruction may be used if:

(A) the alternative portable tank has a higher or equivalent test pressure (for example, 4 bar when 2.65 bar is specified);

(B) the alternative portable tank has greater or equivalent wall thickness (for example, 10 mm when 6 mm is specified);

(C) the alternative portable tank has a pressure relief device as specified in the T Code. If a frangible disc is required in series with the reclosing pressure relief device for the specified portable tank, the alternative portable tank must be fitted with a frangible disc in series with the reclosing pressure relief device; and

(D) With regard to bottom openings—

(1) When two effective means are specified, the alternative portable tank is fitted with bottom openings having two or three effective means of closure or no bottom openings; or

(2) When three effective means are specified, the portable tank has no bottom openings or three effective means of closure; or

(3) When no bottom openings are authorized, the alternative portable tank must ot have bottom openings.

(vii) When a hazardous material is not assigned a portable tank T Code or TP 9 is referenced in Column (7) of the § 172.101 Table, the hazardous material may only be transported in a portable tank if approved by the Associate Administrator.

(viii) Portable tank special provisions are assigned to certain hazardous materials to specify requirements that are in addition to those provided by the portable tank instructions or the requirements in part 178 of this subchapter. Portable tank special provisions are designated with the abbreviation TP (tank provision) and are assigned to specific hazardous materials in Column (7) of the § 172.101 Table. The following is a list of the portable tank special provisions:

Code/Special Provisions

TP1 The maximum degree of filling must not exceed the degree of filling determined by the following:

$$\left(\text{Degree of filling} = \frac{97}{1+\alpha(t_r - t_f)}\right).$$

Where:

t_r is the maximum mean bulk temperature during transport, and t_f is the temperature in degrees celsius of the liquid during filling.

TP2 a. The maximum degree of filling must not exceed the degree of filling determined by the following:

$$\left(\text{Degree of filling} = \frac{95}{1+\alpha(t_r - t_f)}\right).$$

Where:

t_r is the maximum mean bulk temperature during transport,

t_f is the temperature in degrees celsius of the liquid during filling, and

α is the mean coefficient of cubical expansion of the liquid between the mean temperature of the liquid during filling (t_f) and the maximum mean bulk temperature during transportation (t_r) both in degrees celsius.

b. For liquids transported under ambient conditions α may be calculated using the formula:

$$\alpha = \frac{d_{15} - d_{50}}{35\, d_{50}}$$

Where:

d_{15} and d_{50} are the densities (in units of mass per unit volume) of the liquid at 15°C (59°F) and 50°C (122°F), respectively.

TP3 For liquids transported under elevated temperature, the maximum degree of filling is determined by the following:

$$\left(\text{Degree of filling} = 95\frac{d_t}{d_f}\right).$$

Where:

d_t is the density of the material at the maximum mean bulk temperature during transport; and

d_f is the density of the material at the temperature in degrees celsius of the liquid during filling; and

d_f is the density of the liquid at the mean temperature of the liquid during filling, and d_t is the maximum mean bulk temperature during transport.

TP4 The maximum degree of filling for portable tanks must not exceed 90%.

TP5 For a portable tank used for the transport of flammable refrigerated liquefied gases or refrigerated liquefied oxygen, the maximum rate at which the portable tank may be filled must not exceed the liquid flow capacity of the primary pressure relief system rated at a pressure not exceeding 120 percent of the portable tank's design pressure. For portable tanks used for the transport of refrigerated liquefied helium and refrigerated liquefied atmospheric gas (except oxygen), the maximum rate at which the tank is filled must not exceed the liquid flow capacity of the pressure relief device rated at 130 percent of the portable tank's design pressure. Except for a portable tank containing refrigerated liquefied helium, a portable tank shall have an outage of at least two percent below the inlet of the pressure relief device or pressure control valve, under conditions of incipient opening, with the portable tank in a level attitude. No outage is required for helium.

TP6 To prevent the tank from bursting in an event, including fire engulfment (the conditions prescribed in CGA pamphlet S–1.2 (see § 171.7 of this subchapter) may be used to consider the fire engulfment condition), it must be equipped with pressure relief devices that are adequate in relation to the capacity of the tank and the nature of the hazardous material transported.

TP7 The vapor space must be purged of air by nitrogen or other means.

TP8 A portable tank having a minimum test pressure of 1.5 bar (150 kPa) may be used when the flash point of the hazardous material transported is greater than 0°C (32°F).

TP9 A hazardous material assigned to special provision TP9 in Column (7) of the § 172.101 Table may only be transported in a portable tank if approved by the Associate Administrator.

TP10 The portable tank must be fitted with a lead lining at least 5 mm (0.2 inches) thick. The lead lining must be tested annually to ensure that it is intact and functional. Another suitable lining material may be used if approved by the Associate Administrator.

TP12 This material is considered highly corrosive to steel.

TP13 Self-contained breathing apparatus must be provided when this hazardous material is transported by sea.

TP16 The portable tank must be protected against over and under pressurization which may be experienced during transportation. The means of protection must be approved by the approval agency designated to approve the portable tank in accordance with the procedures in part 107, subpart E, of this subchapter. The pressure relief device must be preceded by a frangible disk in accordance with the requirements in § 178.275(g)(3) of this subchapter to prevent crystallization of the product in the pressure relief device.

TP17 Only inorganic non-combustible materials may be used for thermal insulation of the tank.

TP18 The temperature of this material must be maintained between 18°C (64.4°F) and 40°C (104°F) while in transportation. Portable tanks containing solidified methacrylic acid must not be reheated during transportation.

TP19 The calculated wall thickness must be increased by 3 mm at the time of construction. Wall thickness must be verified ultrasonically at intervals midway between periodic hydraulic tests (every 2.5 years). The portable tank must not be used if the wall thickness is less than that prescribed by the applicable T code in Column (7) of the Table for this material.

TP20 This hazardous material must only be transported in insulated tanks under a nitrogen blanket.

TP21 The wall thickness must not be less than 8 mm. Portable tanks must be hydraulically tested and internally inspected at intervals not exceeding 2.5 years.

TP22 Lubricants for portable tank fittings (for example, gaskets, shut-off valves, flanges) must be oxygen compatible.

TP24 The portable tank may be fitted with a device to prevent the build up of excess pressure due to the slow decomposition of the hazardous material being transported. The device must be in the vapor space when the tank is filled under maximum filling conditions. This device must also prevent an unacceptable amount of leakage of liquid in the case of overturning.

TP25 Sulphur trioxide 99.95% pure and above may be transported in tanks without an inhibitor provided that it is maintained at a temperature equal to or above 32.5°C (90.5°F).

TP26 The heating device must be exterior to the shell. For UN 3176, this requirement only applies when the hazardous material reacts dangerously with water.

TP27 A portable tank having a minimum test pressure of 4 bar (400 kPa) may be used provided the calculated test pressure is 4 bar or less based on the MAWP of the hazardous material, as defined in § 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

TP28 A portable tank having a minimum test pressure of 2.65 bar (265 kPa) may be used provided the calculated test pressure is 2.65 bar or less based on the MAWP of the

hazardous material, as defined in § 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

TP29 A portable tank having a minimum test pressure of 1.5 bar (150.0 kPa) may be used provided the calculated test pressure is 1.5 bar or less based on the MAWP of the hazardous materials, as defined in § 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

TP30 This hazardous material may only be transported in insulated tanks.

TP31 This hazardous material may only be transported in tanks in the solid state.

TP37 IM portable tanks are only authorized for the shipment of hydrogen peroxide solutions in water containing 72% or less hydrogen peroxide by weight. Pressure relief devices shall be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure. In addition, the portable tank must be designed so that internal surfaces may be effectively cleaned and passivated. Each tank must be equipped with pressure relief devices conforming to the following requirements:

Concentration of hydrogen per peroxide solution	Total [1]
52% or less	11
Over 52%, but not greater than 60%	22
Over 60%, but not greater than 72%	32

[1] Total venting capacity in standard cubic feet hour (S.C.F.H.) per pound of hydrogen peroxide solution.

TP38 Each portable tank must be insulated with an insulating material so that the overall thermal conductance at 15.5 °C (60 °F) is no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour per square foot per degree Fahrenheit) temperature differential. Insulating materials may not promote corrosion to steel when wet.

TP44 Each portable tank must be made of stainless steel, except that steel other than stainless steel may be used in accordance with the provisions of § 173.24b(b) of this subchapter. Thickness of stainless steel for tank shell and heads must be the greater of 7.62 mm (0.300 inch) or the thickness required for a portable tank with a design pressure at least equal to 1.5 times the vapor pressure of the hazardous material at 46 °C (115 °F).

TP45 Each portable tank must be made of stainless steel, except that steel other than stainless steel may be used in accordance with the provisions of 173.24b(b) of this subchapter. Thickness of stainless steel for portable tank shells and heads must be the greater of 6.35 mm (0.250 inch) or the thickness required for a portable tank with a design pressure at least equal to 1.3 times the vapor pressure of the hazardous material at 46 °C (115 °F).

TP46 Portable tanks in sodium metal service are not required to be hydrostatically retested.

(8) * * *

Code/Special Provisions

W7 Vessel stowage category for uranyl nitrate hexahydrate solution is "D" as defined in § 172.101(k)(4).

W8 Vessel stowage category for pyrophoric thorium metal or pyrophoric uranium metal is "D" as defined in § 172.101(k)(4).

W9 When offered for transportation by water, the following Specification packagings are not authorized unless approved by the Associate Administrator: woven plastic bags, plastic film bags, textile bags, paper bags, IBCs and bulk packagings.

* * * * *

14. In § 172.202, paragraphs (a)(4) and (e) are revised to read as follows:

§ 172.202 Description of hazardous material on shipping papers.

(a) * * *

(4) The packing group in Roman numerals, as designated for the hazardous material in Column 5 of the § 172.101 Table. Class 1 (explosives) materials, self-reactive substances, organic peroxides and entries that are not assigned a packing group are excepted from this requirement. The packing group may be preceded by the letters "PG" (for example, "PG II"); and

* * * * *

(e) Except for those materials in the UN Recommendations, the ICAO Technical Instructions, or the IMDG Code (see § 171.7 of this subchapter), a material that is not a hazardous material according to this subchapter may not be offered for transportation or transported when its description on a shipping paper includes a hazard class or an identification number specified in the § 172.101 Table.

15. In § 172.203, paragraph (d)(11) is revised, new paragraphs (i)(5) and (i)(6) are added, and paragraph (n) is revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(d) * * *

(11) For a shipment of low specific activity material or surface contaminated objects, the appropriate group notation of LSA–I, LSA–II, LSA–III, SCO–I, or SCO–II, unless the group notation is contained in the proper shipping name as described in the § 172.101 Table.

* * * * *

(i) * * *

(5) Minimum flash point if 61°C or below (in °C closed cup (c.c.) in association with the basic description.

(6) Subsidiary hazards not communicated in the proper shipping name shown either following the hazard class or division in parentheses, or in association with the basic description.

* * * * *

(n) *Elevated temperature materials.* If a liquid material in a package meets the definition of an elevated temperature material in § 171.8 of this subchapter, and the fact that it is an elevated temperature material is not disclosed in the proper shipping name (for example, when the words "Molten" or "Elevated temperature" are part of the proper shipping name), the word "HOT" must immediately precede the proper shipping name of the material on the shipping paper.

* * * * *

§ 172.330 [Amended]

16. In § 172.330, in paragraph (a)(1)(ii), the following changes are made:

a. The proper shipping name, "Acrolein, inhibited" is revised to read "Acrolein, stabilized".

b. The proper shipping name, "Chloroprene, inhibited" is revised to read "Chloroprene, stabilized".

c. The proper shipping name, "Sulfur trioxide, inhibited" is revised to read "Sulfur trioxide, stabilized".

17. In § 172.402, paragraph (b) is revised to read as follows:

§ 172.402 Additional labeling requirements.

* * * * *

(b) *Display of hazard class on labels.* The appropriate hazard class or division number must be displayed in the lower corner of a primary hazard label and a subsidiary hazard label. A subsidiary label meeting the specifications of this section which were in effect on September 30, 2001, such as, a label without the hazard class or division number displayed in the lower corner of the label) may continue to be used as a subsidiary label in domestic transportation by rail or highway until October 1, 2005, provided the color tolerances are maintained and are in accordance with the display requirements in this subchapter.

* * * * *

§ 172.405 [Amended]

18. In § 172.405, the following changes are made:

a. In paragraph (a) introductory text, the wording "subsidiary label when—" is removed and the wording "subsidiary label." is added in its place.

b. Paragraphs (a)(1) and (a)(2) are removed.

19–20. In § 172.411, the section heading, the text of paragraph (c) preceding the labels, and paragraph (d)

are revised and, in paragraph (c), the wording "EXPLOSIVE SUBSIDIARY LABEL:" and the explosive subsidiary label following it are removed, to read as follows:

§ 172.411 EXPLOSIVE 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 labels.

* * * * *

(c) Except for size and color, the EXPLOSIVE 1.4, EXPLOSIVE 1.5 and EXPLOSIVE 1.6 labels must be as follows:

* * * * *

(d) In addition to complying with § 172.407, the background color on the EXPLOSIVE 1.4, EXPLOSIVE 1.5, EXPLOSIVE 1.6 and EXPLOSIVE subsidiary label must be orange. The "*" shall be replaced with the appropriate compatibility group. The compatibility group letter must be shown as a capitalized Roman letter. Division numerals must measure at least 30 mm (1.2 inches) in height and at least 5 mm (0.2 inches) in width.

21. In § 172.502, paragraph (b)(1) is revised to read as follows:

§ 172.502 Prohibited and permissive placarding.

* * * * *

(b) * * * (1) The restrictions in paragraph (a) of this section do not apply to a bulk packaging, freight container, unit load device, transport vehicle or rail car which is placarded in conformance with TDG Regulations, the IMDG Code or the UN Recommendations (see § 171.7 of this subchapter).

* * * * *

22. In § 172.504, in paragraph (g), a sentence is added at the end of the existing text and paragraphs (g)(1) through (g)(4) are added to read as follows:

§ 172.504 General placarding requirements.

* * * * *

(g) * * * When more than one compatibility group placard is required for Class 1 materials, only one placard is required to be displayed as follows:

(1) Explosive articles of compatibility groups C, D or E may be placarded displaying compatibility group E.

(2) Explosive articles of compatibility groups C, D, E or N may be placarded displaying compatibility group D.

(3) Explosive substances of compatibility groups C and D may be placarded displaying compatibility group D.

(4) Explosive articles of compatibility groups C, D, E or G, except for fireworks, may be placarded displaying compatibility group E.

§ 172.512 [Amended]

23. In § 172.512, in paragraph (a)(3), the wording "ICAO Technical Instructions" is removed and "ICAO Technical Instructions (see § 171.7 of this subchapter)" is added in its place.

24. In § 172.519, paragraph (b)(4) is revised to read as follows:

§ 172.519 General specifications for placards.

* * * * *

(b) * * *

(4) For a placard corresponding to the primary or subsidiary hazard class of a material, the hazard class or division number must be displayed in the lower corner of the placard. However, a permanently affixed subsidiary placard meeting the specifications of this section which were in effect on September 30, 2001, (such as, a placard without the hazard class or division number displayed in the lower corner of the placard) and which was installed prior to September 30, 2001, may continue to be used as a subsidiary placard in domestic transportation by rail or highway, provided the color tolerances are maintained and are in accordance with the display requirements in this subchapter. Stocks of non-permanently affixed subsidiary placards in compliance with the requirements in effect on September 30, 2001, may continue to be used in domestic transportation by rail or highway until October 1, 2005, or until current stocks are depleted, whichever occurs first.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

25. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.53.

26. In § 173.2a, in paragraph (b), in the Precedence of Hazard Table, in the first column, the first three entries are amended by adding a footnote reference "[2]" immediately following "I", "II", and "III", respectively, and footnote 2 at the end of the Precedence of Hazard Table is revised to read as follows:

§ 173.2a Classification of a material having more than one hazard.

* * * * *

(b) * * *

PRECEDENCE OF HAZARD TABLE

*	*	*	*	*
*	*	*	*	*
*	*	*	*	*

[2] Materials of Division 4.1 other than self-reactive substances and solid desensitized explosives, and materials of Class 3 other than liquid desensitized explosives.

* * * * *

27. In § 173.4, paragraph (a)(1) introductory text is revised to read as follows:

§ 173.4 Small quantity exceptions.

(a) * * *

(1) The maximum quantity of material per inner receptacle or article is limited to—

* * * * *

28. In § 173.24b, paragraph (e) is added to read as follows:

§ 173.24b Additional general requirements for bulk packagings.

* * * * *

(e) *UN portable tanks.* (1) A UN portable tank manufactured in the United States must conform in all details to the applicable requirements in parts 172, 173, 178 and 180 of this subchapter.

(2) *UN portable tanks manufactured outside the United States.* A UN portable tank manufactured outside the United States, in accordance with national or international regulations based on the UN Recommendations on the Transport of Dangerous Goods which is an authorized packaging under § 173.24 of this subchapter, may be filled, offered and transported in the United States, if the § 172.101 Table of this subchapter authorizes the hazardous material for transportation in the UN portable tank and it conforms to the applicable T codes, and tank provision codes, or other special provisions assigned to the hazardous material in Column (7) of the Table when manufactured in a country other than the United States. In addition, the portable tank must be—

(i) Conform to applicable provisions in the UN Recommendations on the Transport of Dangerous Goods (see § 171.7 of this subchapter) and the requirements of this subpart;

(ii) Be capable of passing the prescribed tests and inspections in part 180 of this subchapter applicable to the UN portable tank specification;

(iii) Be designed and manufactured according to the ASME Code (see § 171.7 of this subchapter) or a pressure vessel design code approved by the Associate Administrator;

(iv) Be approved by the Associate Administrator when the portable tank is

designed and constructed under the provisions of an alternative arrangement (see § 178.274(a)(2) of this subchapter); and

(v) The competent authority of the country of manufacture must provide reciprocal treatment for UN portable tanks manufactured in the United States.

§ 173.31 [Amended]

29. In § 173.31, in paragraph (b)(2)(ii), in the first sentence, the wording "chloroprene, inhibited" is revised to read "chloroprene, stabilized'.

30. Section 173.32 is revised to read as follows:

§ 173.32 Requirements for the use of portable tanks.

(a) *General requirements.* No person may offer a hazardous material for transportation in a portable tank except as authorized by this subchapter.

(1) Except as otherwise provided in this subpart, no person may use a portable tank for the transportation of a hazardous material unless it meets the requirements of this subchapter.

(2) No person may fill and offer for transportation a portable tank when the prescribed periodic test or inspection under subpart G of part 180 of this subchapter has become due until the test or inspection has been successfully completed. This requirement does not apply to any portable tank filled prior to the test or inspection due date.

(3) When a portable tank is used as a cargo tank motor vehicle, it must conform to all the requirements prescribed for cargo tank motor vehicles. (See § 173.33.)

(b) *Substitute packagings.* A particular Specification portable tank may be substituted for another portable tank as follows:

(1) An IM or UN portable tank may be used whenever an IM or UN portable tank having less stringent requirements is authorized provided the portable tank meets or exceeds the requirements for pressure-relief devices, bottom outlets and any other special provisions specified in § 172.102(c)(7)(vi) of this subchapter.

(2) Where a Specification IM101 or IM102 portable tank is prescribed, a UN portable tank or Specification 51 portable tank otherwise conforming to the special commodity requirements of § 172.102(c)(7) of this subchapter for the material to be transported may be used.

(3) A DOT Specification 51 portable tank may be used whenever a DOT Specification 56, 57, or 60 portable tank is authorized. A DOT Specification 60 portable tank may be used whenever a DOT Specification 56 or 57 portable tank is authorized. A higher integrity tank used instead of a specified portable tank must meet the same design profile; for example, a DOT Specification 51 portable tank must be lined if used instead of a lined DOT Specification 60 portable tank.

(c) *Grandfather provisions for portable tanks*—(1) *Continued use of Specification 56 and 57 portable tanks.* Continued use of an existing portable tank constructed to DOT Specification 56 or 57 is authorized only for a portable tank constructed before October 1, 1996. A stainless steel portable tank internally lined with polyethylene that was constructed on or before October 1, 1996, and that meets all requirements of DOT Specification 57 except for being equipped with a polypropylene discharge bail valve and polypropylene secondary discharge opening closure, may be marked as a Specification 57 portable tank and used in accordance with the provisions of this section.

(2) A DOT Specification 51, IM 101, or IM 102 portable tank may not be manufactured after January 1, 2003; however, such tanks may continue to be used for the transportation of a hazardous material provided they meet the requirements of this subchapter, including the specification requirements and the requirements of this subchapter for the transportation of the particular hazardous material (see § 171.14(d)(4) of this subchapter), and provided it conforms to the periodic inspection and tests specified for the particular portable tank in subpart G of part 180 of this subchapter. After January 1, 2003, all newly manufactured portable tanks must conform to the requirements for the design, construction and approval of UN portable tanks as specified in §§ 178.273, 178.274, 178.275, 178.276, 178.277 and part 180, subpart G, of this subchapter.

(3) A DOT Specification portable tank manufactured prior to January 1, 1992 that is equipped with a non-reclosing pressure relief device may continue in service for the hazardous materials for which it is authorized. Except for a DOT Specification 56 or 57 portable tank, a DOT Specification portable tank manufactured after January 1, 1992, used for materials meeting the definition for Division 6.1 liquids, Packing Group I or II, Class 2 gases, or Class 3 or 4 liquids, must be equipped with a reclosing pressure relief valve having adequately sized venting capacity unless otherwise specified in this subchapter (see §§ 178.275(f)(4) and 178.277 of this subchapter).

(4) Any portable tank container constructed prior to May 15, 1950, complying with the requirements of either the ASME Code for Unfired Pressure Vessels, 1946 Edition, or the API ASME Code for Unfired Pressure Vessels, 1943 Edition (see § 171.7 of this subchapter), may be used for the transportation of liquefied compressed gas, provided it fulfills all the requirements of the part and specifications for the particular gas or gases to be transported. Such portable tanks must be marked "ICC Specification 51X" on the plate required by the specification, except as modified by any or all of the following:

(i) Portable tanks designed and constructed in accordance with Pars. U–68, U–69, or U–201 of the ASME Code (see § 171.7 of this subchapter) may be used. Portable tanks designed and constructed in accordance with Par. U–68 or Par. U–69 may be re-rated at a working pressure 25 percent in excess of the design pressure for which the portable tank was originally constructed. If the portable tank is re-rated, the re-rated pressure must be marked on the plate as follows: "Re-rated working pressure—psig".

Note to Paragraph (c)(4)(i): For purposes of setting safety relief valves, pressure control valves, establishing retest pressure and maximum and minimum design pressures, the re-rated working pressure must be considered as the equivalent of the design pressure as defined in the specification.

(ii) Loading and unloading accessories, valves, piping, fittings, safety and gauging devices, do not have to comply with the requirements for the particular location on the portable tank.

(5) Any ICC Specification 50 portable tank fulfilling the requirements of that specification may be continued in service for transportation of a liquefied petroleum gas if it is retested every five years in accordance with the requirements in § 180.605 of this subchapter. Use of existing portable tanks is authorized. New construction is not authorized.

(d) *Determination of an authorized portable tank.* Prior to filling and offering a portable tank for transportation, the shipper must ensure that the portable tank conforms to the authorized specification and meets the applicable requirements in this subchapter for the hazardous material. The shipper must ensure that the MAWP, design pressure or test pressure of the portable tank, as applicable, is appropriate for the hazardous material being transported. Determination of the applicable pressure must take into account the maximum pressure used to load or unload the hazardous material, the vapor pressure, static head and surge pressures of the hazardous

material and the temperatures that the hazardous material will experience during transportation.

(e) *External inspection prior to filling.* Each portable tank must be given a complete external inspection prior to filling. Any unsafe condition must be corrected prior to its being filled and offered for transportation. The external inspection shall include a visual inspection of:

(1) The shell, piping, valves and other appurtenances for corroded areas, dents, defects in welds and other defects such as missing, damaged, or leaking gaskets;

(2) All flanged connections or blank flanges for missing or loose nuts and bolts;

(3) All emergency devices for corrosion, distortion, or any damage or defect that could prevent their normal operation;

(4) All required markings on the tank for legibility; and

(5) Any device for tightening manhole covers to ensure such devices are operative and adequate to prevent leakage at the manhole cover.

(f) *Loading requirements.* (1) A hazardous material may not be loaded into a portable tank if the hazardous material would:

(i) Damage the portable tank;

(ii) React with the portable tank; or

(iii) Otherwise compromise its product retention capability.

(2) A hazardous material may not be loaded in a DOT Specification 51, DOT Specification 60, an IM or UN portable tank unless the portable tank has a pressure relief device that provides total relieving capacity meeting the requirements of this subchapter.

(3) Except during a pressure test, a portable tank may not be subjected to a pressure greater than its marked maximum allowable working pressure or, when appropriate, its marked design pressure.

(4) A portable tank may not be loaded to a gross mass greater than the maximum allowable gross mass specified on its identification plate.

(5) Except for a non-flowable solid or a liquid with a viscosity of 2,680 centistokes (millimeters squared per second) or greater at 20°C (68°F), an IM or UN portable tank, or compartment thereof, having a volume greater than 7,500 L (1,980 gallons) may not be loaded to a filling density of more than 20% and less than 80% by volume. This filling restriction does not apply if a portable tank is divided by partitions or surge plates into compartments of not more than 7,500 L (1,980 gallons) capacity; this portable tank must not be offered for transportation in an ullage condition liable to produce an unacceptable hydraulic force due to surge.

(6) The outage for a portable tank may not be less than 2% at a temperature of 50 °C (122 °F) unless otherwise specified in this subchapter. For UN portable tanks, the applicable maximum filling limits apply as specified according to the assigned TP codes in Column (7) of the § 172.101 Table of this subchapter except when transported domestically.

(7) Each tell-tale indicator or pressure gauge located in the space between a frangible disc and a safety relief valve mounted in series must be checked after the tank is filled and prior to transportation to ensure that the frangible disc is leak free. Any leakage through the frangible disc must be corrected prior to offering the tank for transportation.

(8) During filling, the temperature of the hazardous materials shall not exceed the limits of the design temperature range of the portable tank.

(9) The maximum mass of liquefied compressed gas per liter (gallon) of shell capacity (kg/L or lbs./gal.) may not exceed the density of the liquefied compressed gas at 50 °C (122 °F). The portable tank must not be liquid full at 60 °C (140 °F).

(g) *Additional requirements for specific modal transport.* In addition to other applicable requirements, the following apply:

(1) A portable tank containing a hazardous material may not be loaded on to a highway or rail transport vehicle unless loaded entirely within the horizontal outline thereof, without overhang or projection of any part of the tank assembly. In addition, for unloading a portable tank, see § 177.834(i)(2) of this subchapter.

(2) An IM or UN portable tank used for the transportation of flammable liquids by rail may not be fitted with non-reclosing pressure relief devices except in series with reclosing pressure relief valves.

(3) A portable tank or Specification 106A or 110A multi-unit tank car containing a hazardous material may not be offered for transportation aboard a passenger vessel unless:

(i) The vessel is operating under a change to its character of vessel certification as defined in § 171.8 of this subchapter; and

(ii) The material is permitted to be transported aboard a passenger vessel in the § 172.101 Table of this subchapter.

(h) *Additional general commodity-specific requirements.* In addition to other applicable requirements, the following requirements apply:

(1) Each uninsulated portable tank used for the transportation of a liquefied compressed gas must have an exterior surface finish that is significantly reflective, such as a light-reflecting color if painted, or a bright reflective metal or other material if unpainted.

(2) If a hazardous material is being transported in a molten state, the portable tank must be thermally insulated with suitable insulation material of sufficient thickness that the overall thermal conductance is not more than 0.080 Btu per hour per square foot per degree Fahrenheit differential.

(i) *Additional requirements for portable tanks other than IM specification and UN portable tanks.* (1) The bursting strength of any piping and fittings must be at least four times the design pressure of the tank, and at least four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves) that may subject piping to pressures greater than the design pressure of the tank.

(2) Pipe joints must be threaded, welded or flanged. If threaded pipe is used, the pipe and pipe fittings must not be lighter than Schedule 80 weight. Where copper tubing is permitted, joints must be brazed or be of equally strong metal union type. The melting point of brazing material may not be lower than 1,000 °F (537.8 °C). The method of joining tubing must not decrease the strength of the tubing such as by the cutting of threads.

(3) Non-malleable metals may not be used in the construction of valves or fittings.

(4) Suitable provision must be made in every case to allow for expansion, contraction, jarring and vibration of all pipe. Slip joints may not be used for this purpose.

(5) Piping and fittings must be grouped in the smallest practicable space and must be protected from damage as required by the specification.

(6) All piping, valves and fittings on every portable tank must be leakage tested with gas or air after installation and proved tight at not less than the design pressure of the portable tank on which they are used. In the event of replacement, all such piping, valves, or fittings must be tested in accordance with the requirements of this section before the portable tank is returned to transportation service. The requirements of this section apply to all hoses used on portable tanks, except that hoses may be tested either before or after installation on the portable tank.

(7) All materials used in the construction of portable tanks and their appurtenances may not be subject to

destructive attack by the contents of the portable tank.

(8) No aluminum, copper, silver, zinc nor their alloys may be used. Brazed joints may not be used. All parts of a portable tank and its appurtenances used for anhydrous ammonia must be steel.

(9) Each outlet of a portable tank used for the transportation of non-refrigerated liquefied compressed gases, except carbon dioxide, must be provided with a suitable automatic excess-flow valve (see definition in § 178.337–1(g) of this subchapter). The valve must be located inside the portable tank or at a point outside the portable tank where the line enters or leaves the portable tank. The valve seat must be located inside the portable tank or may be located within a welded flange or its companion flange, or within a nozzle or within a coupling. The installation must be made in such a manner as to reasonably assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

(i) A safety device connection or liquid level gauging device that is constructed so that the outward flow of the tank contents will not exceed that passed by an opening of 0.1397 cm (0.0550 inches) is not required to be equipped with excess-flow valves.

(ii) An excess-flow valve must close automatically if the flow reaches the rated flow of gas or liquid specified by the original valve manufacturer when piping mounted directly on the valve is sheared off before the first valve, pump, or fitting downstream from the excess flow valve.

(iii) An excess-flow valve may be designed with a by-pass, not to exceed a 0.1016 cm (0.040 inches) diameter opening to allow equalization of pressure.

(iv) Filling and discharge lines must be provided with manually operated shut-off valves located as close to the tank as practical. Unless this valve is manually operable at the valve, the line must also have a manual shut-off valve. The use of "Stop-Check" valves to satisfy with one valve the requirements of this section is forbidden. For portable tanks used for refrigerated liquefied gases, a "stop check" valve may be used on the vapor side of the pressure buildup circuit.

(10) Each portable tank used for carbon dioxide or nitrous oxide must be lagged with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 Btu per square foot per degree Fahrenheit differential in temperature per hour. The conductance must be determined at 60° Fahrenheit. Insulation material used on portable tanks for nitrous oxide must be noncombustible.

(11) Refrigerating or heating coils must be installed in portable tanks used for carbon dioxide and nitrous oxide. Such coils must be tested externally to at least the same pressure as the test pressure of the portable tank. The coils must also be tested internally to at least twice the working pressure of the heating or refrigerating system to be used, but in no case less than the test pressure of the portable tank. Such coils must be securely anchored. In the event of leakage, the refrigerant or heating medium to be circulated through the coil or coils must have no adverse chemical reaction with the portable tank or its contents.

(12) Excess flow valves are not required for portable tanks used for the transport of refrigerated liquefied gases.

§ 173.32a [Removed]

31. Section 173.32a is removed.

§ 173.32b [Removed]

32. Section 173.32b is removed.

§ 173.32c [Removed]

33. § 173.32c is removed.

§ 173.34 [Amended]

34. In § 173.34, in the paragraph (e)(13) table, in the second column, the following changes are made:

a. In the second entry, the wording "Butadiene, inhibited" is revised to read "Butadiene, stabilized'.

b. In the ninth entry, the wording "Ethyleneimine, inhibited" is revised to read "Ethyleneimine, stabilized'.

35. In § 173.61, paragraph (e)(3) is revised and a new paragraph (e)(8) is added to read as follows:

§ 173.61 Mixed packaging requirements.

* * * * *

(e) * * *

(3) Explosives of compatibility group S may be packaged together with explosives of any other compatibility group except A or L, and the combined package may be treated as belonging to any of the packaged compatibility groups except S.

* * * * *

(8) Explosive articles of compatibility group G, except for fireworks and articles requiring special packaging, may be packaged together with explosive articles of compatibility groups C, D or E and the combined package shall be treated as belonging to compatibility group E.

36. In § 173.62, in paragraph (b), in the Explosives Table, two entries are added in appropriate alphanumerical order and in paragraph (c), in the Explosives Packing Instructions Table, in the fourth column, for the packing instruction entry 144, under the Boxes entry "plastics, expanded (4H1)" add an entry for Drums to read as follows:

§ 173.62 Specific packaging requirements for explosives.

* * * * *

(b) * * *

EXPLOSIVES TABLE

ID#	PI
* * * *	*
UN0502	130
UN0504	112(c)
* * * *	*

(c) * * *

TABLE OF PACKING METHODS

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings		
*	*	*	*	*	*
144 * * *	* * *	* * *	* * *		
			Drums.		
			Steel, removable head (1A2).		
			Aluminum, removable head (1B2).		
			Plastics, removable head (1H2).		
			Plywood (1D).		
*	*	*	*	*	*

37. In addition, in § 173.62, in paragraph (c), in the Explosives Packing Instructions Table, in the fourth column, the following changes are made in appropriate packaging specification number order:

a. For packing instruction entries, 112(a), 112(b), 112(c), 113, 115, 116, 130, 131, 134, 135, 136, 138, 140, 141 and 142, under the word "Drums", the wording "plywood (1D)" is added in the alpha-numeric order of the parenthetical.

b. For the packing instruction entries, 112(c), 113, 115, 134, 138 and 140, under the word "Drums", the wording "plastics, removable head (1H2)" is added in the alpha-numeric order of the parenthetical.

c. For the packing instruction entries, 134 and 138, under the word "Drums", the wording "fiberboard (1G)" is added in the alpha-numeric order of the parenthetical.

d. For the packing instruction entries, 112(c) and 113, under the word "Boxes", the wording "aluminum (4B)" is added in the alpha-numeric order of the parenthetical.

e. For the packing instruction entry, 144, under the word "Boxes", the wording "plastics, solid (4H2)" is added in the alpha-numeric order of the parenthetical.

38. In § 173.150, paragraph (d)(2) is revised to read as follows:

§ 173.150 Exceptions for Class 3 (flammable) and combustible liquids.

* * * * *

(d) * * *

(2) Is in an inner packaging of five liters (1.3 gallons) or less for transportation on passenger-carrying aircraft and conforms to § 175.10(a)(17) of this subchapter as checked or carry-on baggage; or

* * * * *

39. In § 173.162, paragraphs (a) introductory text and (a)(1) are revised to read as follows:

§ 173.162 Gallium.

(a) Except when packaged in cylinders or steel flasks, gallium must be packaged in packagings which meet the requirements of part 178 of this subchapter at the Packing Group I performance level for transportation by aircraft, and at the Packing Group III performance level for transport by highway, rail or vessel, as follows:

(1) In combination packagings intended to contain liquids consisting of glass, earthenware or rigid plastic inner packagings with a maximum net mass of 15 kg (33 pounds) each. The inner packagings must be packed in wood boxes (4C1, 4C2, 4D, 4F), fiberboard boxes (4G), plastic boxes (4H1, 4H2), fiber drums (1G) or removable head steel and plastic drums or jerricans (1A2, 1H2, 3A2 or 3H2) with sufficient cushioning materials to prevent breakage. Either the inner packagings or the outer packagings must have an inner liner that is leakproof or bags of strong leakproof and puncture-resistant material impervious to the contents and completely surrounding the contents to prevent it from escaping from the package, irrespective of its position.

* * * * *

40. Section 173.185 is revised to read as follows:

§ 173.185 Lithium batteries and cells.

(a) Except as otherwise provided in this subpart, a lithium cell or battery is authorized for transportation only if it conforms to the provisions of this section. For the purposes of this subchapter, "lithium content" means the mass of lithium in the anode of a lithium metal or lithium alloy cell, except in the case of a lithium ion cell or battery where the "equivalent lithium content" in grams is calculated to be 0.3 times the rated capacity in ampere-hours.

(b) *Exceptions.* Cells and batteries are not subject to the requirements of this subchapter if they meet the following requirements:

(1) Each cell with a liquid cathode may contain not more than 0.5 g of lithium content. Each cell with a solid cathode may contain not more than 1.0 g of lithium content. Each lithium ion cell may contain not more than 1.5 g of equivalent lithium content;

(2) Each battery with a liquid cathode may contain an aggregate quantity of not more than 1.0 g of lithium content. Each battery with a solid cathode may contain an aggregate quantity of not more than 2.0 g of lithium content. Each lithium-ion battery may contain an aggregate quantity of not more than 8.0 grams of equivalent lithium content;

(3) Each cell or battery containing a liquid cathode must be hermetically sealed;

(4) Cells and batteries must be packed in such a way so as to prevent short circuits and must be packed in strong packagings, except when installed in equipment; and

(5) If when fully charged, the aggregate lithium content of the anodes in a liquid cathode battery is more than 0.5 g, or the aggregate lithium content of the anodes in a solid cathode battery is more than 1.0 g, then the battery may not contain a liquid or gas that is a hazardous material according to this subchapter unless the liquid or gas, if free, would be completely absorbed or neutralized by other materials in the battery.

(c) *Additional exceptions.* Cells and batteries also are not subject to this subchapter if they meet the following requirements:

(1) The lithium content of the anode of each cell, when fully charged, is not more than 5 g;

(2) The aggregate lithium content of the anodes of each battery, when fully charged, is not more than 25 g;

(3) Each cell or battery is of the type proven to be non-dangerous by testing in accordance with tests in the UN Manual of Tests and Criteria (see § 171.7 of this subchapter). Such testing must be carried out on each type of cell or battery prior to the initial transport of that type; and

(4) Cells and batteries are designed or packed in such a way as to prevent short circuits under conditions normally encountered in transportation.

(d) Cells and batteries and equipment containing cells and batteries which were first transported prior to January 1, 1995, and were assigned to Class 9 on the basis of the requirements of this subchapter in effect on October 1, 1993, may continue to be transported in accordance with the applicable requirements in effect on October 1, 1993.

(e) Cells and batteries may be transported as items of Class 9 if they meet the requirements in paragraphs (e)(1) through (e)(7) of this section:

(1) Each cell and battery must be equipped with an effective means of preventing external short circuits.

(2) Each cell and battery must incorporate a safety venting device or be designed in a manner that will preclude a violent rupture under conditions normally incidental to transportation.

(3) Batteries containing cells or series of cells connected in parallel must be equipped with diodes to prevent reverse current flow.

(4) Cells and batteries must be packed in inner packagings in such a manner as to effectively prevent short circuits and to prevent movement which could lead to short circuits.

(5) Cells and batteries must be packaged in packagings conforming to the requirements of part 178 of this subchapter at the Packing Group II performance level: Inner packagings must be packed within metal boxes (4A or 4B), wooden boxes (4C1, 4C2, 4D or 4F), fiberboard boxes (4G), solid plastic boxes (4H2), fiber drums (1G), metal drums (1A2 or 1B2), plywood drums (1D), plastic jerricans (3H2), or metal jerricans (3A2 or 3B2).

(6) Each cell or battery must be of the type proven to meet the lithium battery requirements in the UN Manual of Tests and Criteria (see § 171.7 of this subchapter).

(7) Except as provided in paragraph (h) of this section, cells or batteries may not be offered for transportation or transported if any cell has been discharged to the extent that the open circuit voltage is less than two volts or is less than ⅔ of the voltage of the fully charged cell, whichever is less.

(f) Equipment containing or packed with cells and batteries meeting the requirements of paragraph (b) or (c) of this section is excepted from all other requirements of this subchapter.

(g) Equipment containing or packed with cells and batteries may be transported as items of Class 9 if the batteries and cells meet all requirements of paragraph (e) of this section and are packaged as follows:

(1) Equipment containing cells and batteries must be packed in a strong outer packaging that is waterproof or has a waterproof liner, unless the equipment is made waterproof by nature of its construction. The equipment must be secured within the outer packaging and be packed as to effectively prevent movement, short circuits, and accidental operation during transport; and

(2) Cells and batteries packed with equipment must be packed in inner packagings conforming to (e)(5) of this section in such a manner as to effectively prevent movement and short circuits.

(h) Cells and batteries, for disposal, may be offered for transportation or transported to a permitted storage facility and disposal site by motor vehicle when they meet the following requirements:

(1) Be equipped with an effective means of preventing external short circuits; and

(2) Be packed in a strong outer packaging conforming to the requirements of §§ 173.24 and 173.24a. The packaging need not conform to performance requirements of part 178 of this subchapter.

(i) Cells and batteries and equipment containing or packed with cells and batteries which do not comply with the provisions of this section may be transported only if they are approved by the Associate Administrator.

(j) For testing purposes, when not contained in equipment, cells and batteries may be offered for transportation or transported by highway as items of Class 9. Packaging must conform with paragraph (e)(5) of this section.

41. In § 173.224, paragraph (b)(4) is revised; in the table following paragraph (b)(7), the following entry is added in appropriate alphabetical order; and paragraph (d) is removed to read as follows:

§ 173.224 Packaging and control and emergency temperatures for self-reactive materials.

* * * * *

(b) * * *

(4) *Packing method.* Column 4 specifies the highest packing method which is authorized for the self-reactive material. A packing method corresponding to a smaller package size may be used, but a packing method corresponding to a larger package size may not be used. The Table of Packing Methods in § 173.225(d) defines the packing methods. Bulk packagings are authorized as specified in § 173.225(d) for Type F self-reactive substances. Additional bulk packagings are authorized if approved by the Associate Administrator.

* * * * *

(7) * * *

SELF-REACTIVE MATERIALS TABLE

Self-reactive substance	Identification no.	Concentration (%)	Packing method	Control temperature—(°C)	(Emergency temperature	Notes
(1)	(2)	(3)	(4)	(5)	(6)	(7)
* * *	*	*	*	*	*	
2,2'-Azodi(isobutyronitrile) as a water based paste		3224		≤50%	OP6	
* * *	*	*	*	*	*	

42. In § 173.225, in paragraph (b), in the Organic Peroxide Table, the following entries are removed and added in the appropriate alphabetical order; in Column (8), Notes "7" and "10" are removed each place they appear; and in the "NOTES" immediately following the Table, Notes "7" and "10" are removed and reserved and Note "26" is added in the appropriate numerical order; and paragraphs (e) introductory text, (e)(3) and (e)(5) are revised to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

* * * * *

(b) * * *

ORGANIC PEROXIDE TABLE

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
* * *		*			*		*		*	
[REMOVE:]										
tert-Amyl peroxybenzoate	UN3105	≤96	≥4				OP7			
* * *		*			*		*		*	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32		≥68			Bulk	+10	+15	14
* * *		*			*		*		*	
tert-Butyl peroxyneodecanoate [asa stable dispersion inwater].	UN3117	≤42					OP8	0	+10	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
* * *		*			*		*		*	
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	+10	+15	
* * *		*			*		*		*	
tert-Butyl peroxypivalate	UN3119	≤27		≥73			Bulk	−5	+5	14
* * *		*			*		*		*	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	0	+10	
* * *		*			*		*		*	
Cyclohexanoneperoxide(s)	UN3105	≤72		≥28			OP7			5
* * *		*			*		*		*	
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane.	UN3101	>90–100					OP5			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane.	UN3103	>57–90	≥10				OP5			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane.	UN3106	≤57			≥43		OP7			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane.	UN3107	≤57	≥43				OP8			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane.	UN3107	≤32	≥26	≥42			OP8			
* * *		*			*		*		*	
Di-(2-ethylhexyl)peroxydicarbonate	UN3115	≤77					OP7	−15	−5	
* * *		*			*		*		*	
Diisopropylperoxydicarbonate	UN3115	≤52		≥48			OP7	−10	0	
* * *		*			*		*		*	
2,5-Dimethyl-2,5-di-(2-ethylhexanoylperoxy)hexane.	UN3115	≤100					OP7	+20	+25	
* * *		*			*		*		*	
Dimyristylperoxydicarbonate [as astable dispersion in water].	UN3119	≤42					IBC	+15	+25	
* * *		*			*		*		*	
Di-n-propylperoxydicarbonate	UN3113	≤100					OP4	−25	−15	
* * *		*			*		*		*	
Di-(3,5,5-trimethylhexanoyl)peroxide	UN3119	≤38	≥62				Bulk	−10	0	14
* * *		*			*		*		*	
Isopropyl sec-butylperoxydicarbonate [and]Di-sec-butylperoxydi-carbonate [and]Di-isopropylperoxydicarbonate.	UN3115	≤32 +≤15–18 +≤12–15	≥38				OP7	−20	−10	
* * *		*			*		*		*	
2,4,4-Trimethylpentyl-2-peroxyneodecanoate	UN3115	≤72		≥28			OP7	−5	+5	
2,4,4-Trimethylpentyl-2-phenoxynedecanoate [asa stable dispersion inwater]..	UN3119	≤52					OP8	−5	+5	
2,4,4-Trimethylpentyl-2-peroxy phenoxyacetate.	UN3115	≤37		≥63			OP7	−10	0	
* * *		*			*		*		*	
[ADD:]										
tert-Amyl peroxybenzoate	UN3103	≤100					OP5			
* * *		*			*		*		*	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32		≥68			Bulk	+15	+20	14
* * *		*			*		*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3117	≤52					OP8	0	+10	
* * *		*			*		*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤42					IBC	−5	+5	
* * *		*			*		*		*	
tert-Butyl peroxyneodecanoate	UN3119	≤32	≥68				IBC	0	+10	
* * *		*			*		*		*	
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	0	+10	
* * *		*			*		*		*	
tert-Butyl peroxypivalate	UN3119	≤27		≥73			Bulk	+5	+10	14
* * *		*			*		*		*	
Cumyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					IBC	−15	−5	
* * *		*			*		*		*	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	−10	0	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
* * *	*	*	*	*	*	*	*	*	*	
Cyclohexanone peroxide(s)	UN3105	≤72	≥28				OP7			5
* * *	*	*	*	*	*	*	*	*	*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3101	>90–100					OP5			
* * *	*	*	*	*	*	*	*	*	*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3103	>57–90	≥10				OP5			
* * *	*	*	*	*	*	*	*	*	*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3105	≤77		≥23			OP7			
* * *	*	*	*	*	*	*	*	*	*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3106	≤57			≥43		OP7			
* * *	*	*	*	*	*	*	*	*	*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3107	≤57	≥43				OP8			
* * *	*	*	*	*	*	*	*	*	*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3107	≤32	≥26	≥42			OP8			
* * *	*	*	*	*	*	*	*	*	*	
2,2-Di-(4,4-di-(tert-butylperoxy cyclohexyl) propane.	UN3107	≤22		≥78			OP8			
* * *	*	*	*	*	*	*	*	*	*	
Di-(2-ethylhexyl) peroydicarbonate [as a stable dispersion in water].	UN3119	≤52					IBC	−20	−10	
* * *	*	*	*	*	*	*	*	*	*	
Di-(2-ethoxyethyl) peroxydicarbonate	UN3115	≤52		≥48			OP7	−10	0	
* * *	*	*	*	*	*	*	*	*	*	
Di-(2-ethylhexyl) peroxydicarbonate	UN3115	≤77		≥23			OP7	−15	−5	
* * *	*	*	*	*	*	*	*	*	*	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water].	UN3117	≤62					OP8	−15	−5	
* * *	*	*	*	*	*	*	*	*	*	
Diisopropyl peroxydicarbonate	UN3115	≤52		≥48			OP7	−20	−10	
* * *	*	*	*	*	*	*	*	*	*	
Di-(3-methoxybutyl) peroxydicarbonate	UN3115	≤52		≥48			OP7	−5	+5	
* * *	*	*	*	*	*	*	*	*	*	
Di-(3-methylbenzoyl) peroxide + Benzoyl (3-methylbenzoyl) peroxide +Dibenzoyl peroxide.	UN3115	≤20 +≤18 +≤ 4		≥58			OP7	+35	+40	
* * *	*	*	*	*	*	*	*	*	*	
2,5 Dimethyl 2,5 di-2-ethylhexanoylperoxy hexane.	UN3113	≤100					OP5	+20	+25	
* * *	*	*	*	*	*	*	*	*	*	
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane	UN3108	≤77			≥23		OP8			
* * *	*	*	*	*	*	*	*	*	*	
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3.	UN3101	>86–100					OP5			
* * *	*	*	*	*	*	*	*	*	*	
Dimyristyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					IBC	+15	+20	
* * *	*	*	*	*	*	*	*	*	*	
Di-n-propyl peroxydicarbonate	UN3113	≤100					OP3	−25	−15	
* * *	*	*	*	*	*	*	*	*	*	
Di-n-propyl peroxydicarbonate	UN3113	≤77		≥23			OP5	−20	−10	
* * *	*	*	*	*	*	*	*	*	*	
tert-Hexyl peroxyneodecanoate	UN3115	≤71	≥29				OP7	0	+10	
* * *	*	*	*	*	*	*	*	*	*	
tert-Hexyl peroxypivalate	UN3115	≤72		≥28			OP7	+10	+15	
* * *	*	*	*	*	*	*	*	*	*	
Methyl ethyl ketone peroxide(s)	UN3105	≤37	≥55			≥8	OP7			5
* * *	*	*	*	*	*	*	*	*	*	
1,1,3,3-Tetramethylbutyl peroxyneodecanoate.	UN3115	≤72		≥28			OP7	-5	+5	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
1,1,3,3-Tetramethylbutyl peroxyneodecanoate [as a stable dispersion in water]..	UN3119	≤52	.....	.....	.....	.....	IBC	−5	+5	.....
1,1,3,3-Tetramethylbutyl peroxy phenoxyacetate.	UN3115	≤37	.....	≥63	.....	.....	OP7	−10	0	.....
* * *	*	*			*		*		*	
3,6,9-Triethyl-3,6,9-trimethyl-1,4,7-triperoxonane.	UN3105	≤42	≥58	.....	.....	.....	OP7	.....	.....	26
* * *	*	*			*		*		*	

Notes:

* * * * *

26. Available oxygen must be ≤ 7.6%.

* * * * * *

(e) *Bulk packagings for organic peroxides.* The following bulk packagings are authorized:

* * * * *

(3) *Portable tanks.* The following requirements apply to portable tanks intended for the transport of Type F organic peroxides or Type F self-reactive substances. DOT 51, 57, IM 101 portable tanks, and UN portable tanks that conform to the requirements of T23 (see § 172.102(c)(7) of this subchapter), when T23 is specified in Column (7) of the § 171.101 Table of this subchapter for the Type F organic peroxide or Type F self-reactive substance. Type F organic peroxide or self-reactive substance formulations other than those indicated in T23 may be transported in portable tanks if approved by the Associate Administrator. The following conditions also apply:

(i) The portable tank must be designed for a test pressure of at least 0.4 MPa (4 bar).

(ii) Portable tanks must be fitted with temperature-sensing devices.

(iii) Portable tanks must be fitted with pressure relief devices and emergency-relief devices. Vacuum-relief devices may also be used. Pressure relief devices must operate at pressures determined according to both the properties of the hazardous material and the construction characteristics of the portable tank. Fusible elements are not allowed in the shell.

(iv) The pressure relief devices must consist of reclosing devices fitted to prevent significant build-up within the portable tank of the decomposition products and vapors released at a temperature of 50 °C (122 °F). The capacity and start-to-discharge pressure of the relief devices must be in accordance with the applicable requirements of this subchapter specified for the portable tank. The start-to-discharge pressure must in no case be such that liquid would escape from the pressure relief devices if the portable tank were overturned.

(v)(A) The emergency-relief devices may be of the reclosing or frangible types, or a combination of the two, designed to vent all the decomposition products and vapors evolved during a period of not less than one hour of complete fire engulfment as calculated by the following formula:

$$q = 70961\ F\ A^{0.82}$$

Where:

q = heat absorption (W)
A = wetted area (m^2)
F = insulation factor (-)

(B) Insulation factor (F) in the formula in paragraph (e)(3)(v)(A) of this section equals 1 for non-insulated vessels and for insulated vessels F is calculated using the following formula:

$$F = \frac{U(923 - T_{PO})}{47032}$$

Where:

U = K/L = heat transfer coefficient of the insulation ($W \cdot m^{-2} \cdot K^{-1}$); where K = heat conductivity of insulation layer ($W \cdot m^{-1} \cdot K^{-1}$), and L = thickness of insulation layer (m).

T_{PO} = temperature of material at relieving conditions (K).

(vi) The start-to-discharge pressure of emergency-relief devices must be higher than that specified for the pressure relief devices in paragraph (e)(3)(iv) of this section. The emergency-relief devices must be sized and designed in such a way that the maximum pressure in the shell never exceeds the test pressure of the portable tank.

Note to Paragraph (e)(3)(vi): An example of a method to determine the size of emergency-relief devices is given in Appendix 5 of the UN Manual of Tests and Criteria (incorporated by reference, see § 171.7 of this subchapter).

(vii) For insulated portable tanks, the capacity and setting of emergency-relief devices must be determined assuming a loss of insulation from 1 percent of the surface area.

(viii) Vacuum-relief devices and reclosing devices on portable tanks used for flammable hazardous materials must be provided with flame arresters. Any reduction of the relief capacity caused by the flame arrester must be taken into account and the appropriate relief capacity must be provided.

(ix) Service equipment such as devices and external piping must be designed and constructed so that no hazardous material remains in them after filling the portable tank.

(x) Portable tanks may be either insulated or protected by a sun-shield. If the SADT of the hazardous material in the portable tank is 55 °C (131°F) or less, the portable tank must be completely insulated. The outer surface must be finished in white or bright metal.

(xi) The degree of filling must not exceed 90% at 15 °C (59 °F).

(xii) DOT 57 metal portable tanks are authorized only for tert-butyl cumyl peroxide, di-(2-tert-butylperoxyisopropyl-benzene(s), dicumyl peroxide and mixtures of two or more of these peroxides. DOT 57 portable tanks must conform to the venting requirements of paragraph (e)(5) of this section. These portable tanks are not subject to the requirements of

paragraphs (e)(3)(ii) and (e)(3)(iv) of this section.

* * * * *

(5) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to IB52 (see § 172.102(c)(4) of this subchapter), as applicable, and the IBC conforms to the requirements in subpart O of part 178 of this subchapter at the Packing Group II performance level. The following additional requirements also apply:

(i) IBCs shall be provided with a device to allow venting during transportation. The inlet to the pressure relief device shall be sited in the vapor space of the IBC under maximum filling conditions during transportation.

(ii) To prevent explosive rupture of metal IBCs or composite IBCs with complete metal casing, the emergency-relief devices shall be designed to vent all the decomposition products and vapors evolved during self-accelerating decomposition or during a period of not less than one hour of complete fire-engulfment as calculated by the formula in paragraph (e)(3)(v) of this section. The control and emergency temperatures specified in IB52 are based on a non-insulated IBC.

43. In § 173.240, paragraphs (c) and (d) are revised to read as follows:

§ 173.240 Bulk packaging for certain low hazard solid materials.

* * * * *

(c) *Portable tanks and closed bulk bins.* DOT 51, 56, 57 and 60 portable tanks; IMO type 1, 2 and 5, and IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; and sift-proof non-DOT Specification portable tanks and closed bulk bins are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in subpart O of part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

44. In § 173.241, paragraphs (c) and (d) are revised to read as follows:

§ 173.241 Bulk packagings for certain low hazard liquid and solid materials.

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; IMO type 1, 2 and 5, and IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; and non-DOT Specification portable tanks suitable for transport of liquids are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in subpart O of part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

45. In § 173.242, paragraphs (c) introductory text and (d) are revised to read as follows:

§ 173.242 Bulk packagings for certain medium hazard liquids and solids, including solids with dual hazards.

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; Specification IM and UN portable tanks when a T Code is specified in Column (7) of the § 172.101 Hazardous Materials Table for a specific hazardous material; and marine portable tanks conforming to 46 CFR part 64 are authorized. DOT Specification 57 portable tanks used for the transport by vessel of Class 3, Packaging Group II materials must conform to the following:

* * * * *

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in subpart O of part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

46. In § 173.243, paragraphs (c) and (d) are revised to read as follows:

§ 173.243 Bulk packaging for certain high hazard liquids and dual hazard materials which pose a moderate hazard.

* * * * *

(c) *Portable tanks.* DOT Specification 51 and 60 portable tanks; UN portable tanks when a T code is specified in Column (7) of the § 172.101 Table of this subchapter for a specific hazardous material; and marine portable tanks conforming to 46 CFR part 64 with design pressure of at least 172.4 kPa (25 psig) are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in subpart O of part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

* * * * *

47. In § 173.247, paragraph (c) is revised to read as follows:

§ 173.247 Bulk packaging for certain elevated temperature materials (Class 9) and certain flammable elevated temperature materials (Class 3).

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; metal IBCs and non-specification portable tanks equivalent in structural design and accident damage resistance to specification packagings are authorized.

* * * * *

§ 173.301 [Amended]

48. In § 173.301, in paragraph (d)(2), in the first sentence, the wording "tetrafluoroethylene, inhibited" is revised to read "tetrafluoroethylene, stabilized".

§ 173.304 [Amended]

49. In § 173.304, the following changes are made:

a. In the paragraph (a)(2) table, in the first column, in the second to the last entry, the wording "Vinyl fluoride, inhibited" is revised to read "Vinyl fluoride, stabilized".

b. In paragraph (b), in the first sentence, the wording "vinyl fluoride, inhibited" is revised to read "vinyl fluoride, stabilized".

50. In § 173.306, paragraph (a)(4)(iii) is revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(4) ** *

(iii) Non-pressurized gases, flammable must be packed in hermetically-sealed glass or metal inner packagings of not more than 5 L (1.3 gallons) and overpacked in a strong outer packaging.

* * * * *

§ 173.314 [Amended]

51. In § 173.314, the following changes are made:

a. In the paragraph (c) table, in the first column, the last entry, "Vinyl fluoride, inhibited" is revised to read "Vinyl fluoride, stabilized".

b. In paragraph (g) introductory text, the wording "vinyl fluoride, inhibited" is revised to read "vinyl fluoride, stabilized".

52. In § 173.315:

a. The text of paragraph (a) preceding the table is revised;

b. In the paragraph (a) table, in the first column, the entry "Butadiene, inhibited" is revised to read "'Butadiene, stabilized" and the second to the last entry "Vinyl fluoride, inhibited" is revised to read "Vinyl fluoride, stabilized";

c. In paragraph (b) introductory text, the wording "butadiene, inhibited" is revised to read "butadiene, stabilized";

d. In the paragraph (h) table, in the first column, the sixth entry, "Butadiene, inhibited" is revised to read "Butadiene, stabilized";

e. Paragraphs (i)(1)(iii), (i)(3), (i)(4) and (i)(8) are revised; and

f. Paragraph (i)(7) is removed and reserved.

The revisions read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) Liquefied compressed gases that are transported in UN portable tanks must be loaded and offered for transportation in accordance with portable tank provision T50 in § 172.102 of this subchapter. A liquefied compressed gas offered for transportation in a cargo tank motor vehicle or a portable tank must be prepared in accordance with this section, § 173.32, § 173.33 and subpart E or subpart G of part 180 of this subchapter, as applicable. For cryogenic liquids, see § 173.318. For marking requirements, see §§ 172.326 and 172.328 of this subchapter. Except for UN portable tanks, a liquefied compressed gas must be loaded and offered for transportation in accordance with the following table:

* * * * *

(i) * * *

(1) * * *

(iii) For an insulated tank, the required relieving capacity of the relief devices must be the same as for an uninsulated tank, unless the insulation will remain in place and will be effective under fire conditions. In this case, except for UN portable tanks, each insulated tank must be covered by a sheet metal jacket of not less than 16 gauge thickness. For UN portable tanks where the relieving capacity of the valves has been reduced on the basis of the insulation system, the insulation system must remain effective at all temperatures less than 649°C (1200.2°F) and be jacketed with a material having a melting point of 700 °C (1292.0 °F) or greater.

* * * * *

(3) Each safety relief valve on a portable tank, other than a UN portable tank, must be set to start-to-discharge at pressure no higher than 110% of the tank design pressure and no lower than the design pressure specified in paragraph (a) of this section for the gas transported. For UN portable tanks used for liquefied compressed gases and constructed in accordance with the requirements of § 178.276 of this subchapter, the pressure relief device(s) must conform to § 178.276(e) of this subchapter.

(4) Except for UN portable tanks, each safety relief valve must be plainly and permanently marked with the pressure in p.s.i.g. at which it is set to discharge, with the actual rate of discharge of the device in cubic feet per minute of the gas or of air at 60 °F (15.6 °C) and 14.7 p.s.i.a., and with the manufacturer's name or trade name and catalog number. The start-to-discharge valve marking must be visible after the valve is installed. The rated discharge capacity of the device must be determined at a pressure of 120% of the design pressure of the tank. For UN portable tanks, each pressure relief device must be clearly and permanently marked as specified in § 178.274(f)(1) of this subchapter.

* * * * *

(8) Each safety relief valve outlet must be provided with a protective device to prevent the entrance and accumulation of dirt and water. This device must not impede flow through the valve. Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure.

* * * * *

53. In § 173.320, paragraph (c) is revised to read as follows:

§ 173.320 Cryogenic liquids; exceptions.

* * * * *

(c) For transportation aboard aircraft, see the ICAO Technical Instructions, Packing Instruction P202 and the packaging specifications in part 6, Chapter 5. (See § 171.7 of this subchapter for ICAO Technical Instructions.)

PART 175—CARRIAGE BY AIRCRAFT

54. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

55. In § 175.10, paragraphs (a)(10) and (a)(16) are revised, and paragraph (a)(17) is added to read as follows:

§ 175.10 Exceptions.

(a) * * *

(10) Safety matches or a lighter intended for use by an individual when carried on one's person. However, lighters containing unabsorbed liquid

fuel (other than liquefied gas), lighter fuel, and lighter refills are not permitted on one's person or in checked or carry-on baggage.

* * * * *

(16) Perfumes and colognes, purchased through duty-free sales, carried by passengers or crew in carry-on baggage.

(17) Alcoholic beverages containing:

(i) Not more than 24% alcohol by volume; or

(ii) More than 24% and not more than 70% alcohol by volume when in retail packagings not exceeding 5 liters (1.3 gallons) carried by a crew member or passenger in checked or carry-on baggage, with a total net quantity per person of 5 liters (1.3 gallons) for such beverages.

* * * * *

56. In § 175.33, paragraph (a) introductory text is revised to read as follows:

§ 175.33 Notification of pilot-in-command.

(a) Except as provided in § 175.10, when a hazardous material subject to the provisions of this subchapter is carried in an aircraft, the operator of the aircraft must provide the pilot-in-command with accurate and legible written information as early as practicable before departure of the aircraft, which specifies at least the following:

* * * * *

57. § 175.78 is revised to read as follows:

§ 175.78 Stowage compatibility of cargo.

(a) For stowage on an aircraft, in a cargo facility, or in any other area at an airport designated for the stowage of hazardous materials, packages containing hazardous materials which might react dangerously with one another may not be placed next to each other or in a position that would allow a dangerous interaction in the event of leakage.

(b) As a minimum, the segregation instructions prescribed in the following Segregation Table must be followed to maintain acceptable segregation between packages containing hazardous materials with different hazards. The Segregation Table instructions apply whether or not the class or division is the primary or subsidiary risk. The Segregation Table follows:

SEGREGATION TABLE

Hazard label	Class or division							
	1	2	3	4.2	4.3	5.1	5.2	8
1	Note 1	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2
2	Note 2							
3	Note 2					X		
4.2	Note 2					X		
4.3	Note 2							X
51	Note 2		X	X				
5.2	Note 2							
8	Note 2				X			

(c) Instructions for using the Segregation Table are as follows:(1) The dots at the intersection of a row and column indicate that no restrictions apply.

(2) The letter "X" at the intersection of a row and column indicates that packages containing these classes of hazardous materials may not be stowed next to or in contact with each other, or in a position which would allow interaction in the event of leakage of the contents.

(3) **Note 1.** "Note 1" at the intersection of a row and column means the following:

(i) For explosives in compatibility groups A through K and N —

(A) Packages bearing the same compatibility group letter and the same division number may be stowed together.

(B) Explosives of the same compatibility group, but different divisions may be stowed together provided the whole shipment is treated as belonging to the division having the smaller number. However, when explosives of Division 1.5 Compatibility Group D are stowed together with explosives of Division 1.2 Compatibility Group D, the whole shipment must be treated as Division 1.1, Compatibility Group D.

(C) Packages bearing different compatibility group letters may not be stowed together whether or not they belong to the same division, except as provided in paragraphs (c)(3)(ii) and (iii) of this section.

(ii) Explosives in Compatibility Group L may not be stowed with explosives in other compatibility groups. They may only be stowed with the same type of explosives in Compatibility Group L.

(iii) Explosives of Division 1.4, Compatibility Group S, may be stowed with explosives of all compatibility groups except for Compatibility Groups A and L.

(iv) Other than explosives of Division 1.4, Compatibility Group S (see paragraph (c)(3)(iii) of this section), and Compatibility Groups C, D and E that may be stowed together, explosives that do not belong in the same compatibility group may not be stowed together.

(A) Any combination of substances in Compatibility Groups C and D must be assigned to the most appropriate compatibility group shown in the § 172.101 Table of this subchapter.

(B) Explosives in Compatibility Group N may be stowed together with explosives in Compatibility Groups C, D or E when the combination is assigned Compatibility Group D.

(4) **Note 2.** "Note 2" at the intersection of a row and column means that other than explosives of Division 1.4, Compatibility Group S, explosives may not be stowed together with that class.

(5) Packages containing hazardous materials with multiple hazards in the

class or divisions, which require segregation in accordance with the Segregation Table need not be segregated from other packages bearing the same UN number.

(6) A package labeled "BLASTING AGENT" may not be stowed next to or in a position that will allow contact with a package of special fireworks or railway torpedoes.

58. In § 175.85, paragraph (a) is revised to read as follows:

§ 175.85 Cargo location.

(a) Except as provided in § 175.10, no person may carry a hazardous material subject to the requirements of this subchapter in the cabin of a passenger-carrying aircraft or on the flight deck of any aircraft. Hazardous materials may be carried in a main deck cargo compartment of a passenger aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for a Class B aircraft cargo compartment in 14 CFR 25.857(b) or for a Class C aircraft cargo compartment in 14 CFR 25.857(c).

* * * * *

PART 176—CARRIAGE BY VESSEL

59. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

60. In § 176.2, the following definition is added in appropriate alphabetical order to read as follows:

§ 176.2 Definitions.

* * * * *

INF cargo means packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes as those terms are defined in the "International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships' (INF Code) (contained in IMDG Code, 2000 edition, see § 171.7 of this subchapter).

* * * * *

61. In § 176.63, a new paragraph (e) is added to read as follows:

§ 176.63 Stowage locations.

* * * * *

(e) *Closed cargo transport unit,* for the purpose of stowage of Class 1 (explosive) materials on board a vessel, means a clean, substantial, weatherproof box structure which can be secured to the ship's structure and includes a closed freight container, a closed vehicle, a closed rail wagon or a portable magazine. When this stowage is specified, stowage in small compartments such as deckhouses and mast lockers or oversized weatherproof packages (overpacks) are acceptable alternatives. The floor of any closed cargo transport unit or compartment shall be constructed of wood, close boarded or arranged so that goods are stowed on sparred gratings, wooden pallets or dunnage. Provided that the necessary additional specifications are met, a closed cargo transport unit may be used for Class 1 (explosive) magazine stowage type "A," "B" or "C," but not as a portable magazine.

62. In § 176.84, in paragraph (b) Table of provisions, the entries "4" and "5" are revised; paragraph (c)(1) is revised; paragraph (c)(2), the List of Notes is revised; and paragraph (c)(3) is removed to read as follows:

§ 176.84 Other requirements for stowage and segregation for cargo vessels and passenger vessels.

* * * * *

(b) *Table of provisions:*

Code	Provisions
*	* * * * *
4	Stow "Separated from" liquid organic materials.
5	Stow "Separated from" powdered metals and their compounds.
*	* * * * *

(c) * * * (1) Explosive substances and explosive articles must be stowed in accordance with Column (10A) and Column (10B) of the 172.101 Table of this subchapter.

(2) * * *

Notes	Provisions
5E	Stow "away from" lead and its compounds.
7E	Stowage category "04" for projectiles or cartridges for guns, cannons or mortars; Stowage category "08" for other types.
8E	When under deck, special stowage is required.
14E ...	On deck, cargo transport unit must be steel.
15E ...	On deck, cargo transport unit must be leakproof.
17E ...	On deck stowage is recommended.
19E ...	Stow "away from" *Explosive, blasting, type C,* UN0083 which contain chlorates or perchlorates.
20E ...	Stowage category "03" for projectiles or cartridges for guns, cannons or mortars; Stowage category "07" for other types; magazines must be of steel construction that prevents leakage.
21E ...	Cargo space ventilation must be carefully controlled to avoid excessive condensation.
22E ...	When containing chlorates or perchlorates, stow "away from" explosives containing ammonium nitrate or other ammonium salts.
23E ...	Segregate from other Class 1 (explosive) materials in the same manner as is required for flammable liquids.
26E ...	Stowage category "13" and, for on deck stowage, non-metallic lining of closed cargo transport unit is required when not in effectively sealed, sift-proof packages; Stowage category "10" permitted when in effectively sealed, sift-proof packages.
0127E	For closed cargo transport unit, a non-metallic lining is required.

§ 176.128 [Amended]

63. In § 176.128, in paragraph (c), the word "UN 0600" is revised to read "UN 0060".

§ 176.136 [Amended]

64. In § 176.136, in paragraph (e), the word "portable" is removed.

65. In § 176.142, paragraph (a) is revised to read as follows:

§ 176.142 Hazardous materials of extreme flammability.

(a) Except as allowed by paragraph (b) of this section, certain hazardous materials of extreme flammability may not be transported in a vessel carrying Class 1 (explosive) materials. This prohibition applies to the following liquid hazardous materials:

Carbon disulfide	UN1131	Class 3
Diethylzinc	UN1366	Division 4.2
Dimethylzinc	UN1370	Division 4.2
Magnesium alkyls	UN3053	Division 4.2
Methyl phosphonous dichloride, *pyrophoric liquid*	NA2845	Division 6.1
Nickel carbonyl	UN1259	Division 6.1
Pyrophoric liquid, inorganic, n.o.s.	UN3194	Division 4.2
Pyrophoric liquids, organic, n.o.s.	UN2845	Division 4.2
Pyrophoric organometallic compound, water-reactive, n.o.s.	UN3203	Division 4.2

* * * * *

66. A new section § 176.720 is added to subpart M to read as follows:

§ 176.720 Requirements for carriage of INF cargo in international transportation.

A vessel carrying INF cargo (see § 176.2, under INF cargo definition) in international transportation must meet the requirements of the INF Code (contained in IMDG Code, 2000 edition, see § 171.7 of this subchapter) in addition to all other applicable requirements of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

67. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

68. In § 177.848, paragraph (g)(3)(vi) is revised to read as follows:

§ 177.848 Segregation of hazardous materials.

* * * * *

(g) * * *

(3) * * *

(vi) "6" means explosive articles in compatibility group G, other than fireworks and those requiring special handling, may be loaded, transported and stored with other explosive articles of compatibility groups C, D and E, provided that explosive substances (such as those not contained in articles) are not carried in the same vehicle.

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

69. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

70. A new section § 178.273 is added to subpart H to read as follows:

§ 178.273 Approval of Specification IM portable tanks and UN portable tanks.

(a) *Application for approval.* (1) An owner or manufacturer of a portable tank shall apply for approval to a designated approval agency authorized to approve the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter.

(2) Each application for approval must contain the following information:

(i) Two complete copies of all engineering drawings, calculations, and test data necessary to ensure that the design meets the relevant specification.

(ii) The manufacturer's serial number that will be assigned to each portable tank.

(iii) A statement as to whether the design type has been examined by any approval agency previously and judged unacceptable. Affirmative statements must be documented with the name of the approval agency, reason for nonacceptance, and the nature of modifications made to the design type.

(b) *Action by approval agency.* The approval agency must perform the following activities:

(1) Review the application for approval to determine whether it is complete and conforms with the requirements of paragraph (a) of this section. If an application is incomplete, it will be returned to the applicant with an explanation as to why the application is incomplete.

(2) Review all drawings and calculations to ensure that the design is in compliance with all requirements of the relevant specification. If the application is approved, one set of the approved drawings, calculations, and test data shall be returned to the applicant. The second (inspector's copy) set of approved drawings, calculations, and test data shall be retained by the approval agency. Maintain drawings and approval records for as long as the portable tank remains in service. The drawings and records must be provided to the Department of Transportation (DOT) upon request.

(3) Witness all tests required for the approval of the portable tank specified in this section and part 180, subpart G of this subchapter.

(4) Ensure, through appropriate inspection that each portable tank is fabricated in all respects in conformance with the approved drawings, calculations, and test data.

(5) Determine and ensure that the portable tank is suitable for its intended use and that it conforms to the requirements of this subchapter.

(6) For UN portable tanks intended for non-refrigerated and refrigerated liquefied gases and Division 6.1 liquids which meet the inhalation toxicity criteria (Zone A or B) as defined in § 173.132 of this subchapter, or that are designated as toxic by inhalation materials in the § 172.101 Table of this subchapter, the approval agency must ensure that:

(i) The portable tank has been constructed in accordance with the ASME Code, Section VIII, Division 1 (see § 171.7 of this subchapter). ASME Code, Section VIII, Division 2 (see § 171.7 of this subchapter) or other design codes may be used if approved by the Associate Administrator (see § 178.274(b)(1));

(ii) All applicable provisions of the design and construction have been met to the satisfaction of the designated approval agency in accordance with the rules established in the ASME Code and that the portable tank meets the requirements of the ASME Code and all the applicable requirements specified in this subchapter;

(iii) The inspector has carried out all the inspections specified by the rules established in the ASME Code; and

(iv) The portable tank is marked with a U stamp code symbol under the authority of the authorized independent inspector.

(7) Upon successful completion of all requirements of this subpart, the approval agency must:

(i) Apply its name, identifying mark or identifying number, and the date upon which the approval was issued, to the metal identification marking plate attached to the portable tank. Any approvals for UN portable tanks authorizing design or construction alternatives (Alternate Arrangements) approved by the Associate Administrator (see § 178.274(a)(2)) must be indicated on the plate as specified in § 178.274(i).

(ii) Issue an approval certificate for each portable tank or, in the case of a series of identical portable tanks manufactured to a single design type, for each series of portable tanks. The approval certificate must include all the information required to be displayed on the required metal identification plate required by § 178.270–14 of this subchapter for IM portable tanks, § 178.245–6 for Specification 51 steel portable tanks, or § 178.274(i) for UN portable tanks. The approval certificate must certify that the approval agency designated to approve the portable tank has approved the portable tank in accordance with the procedures in subpart E of part 107 of this subchapter and that the portable tank is suitable for its intended purpose and meets the requirements of this subchapter. When a series of portable tanks is manufactured without change in the design type, the certificate may be valid for the entire series of portable tanks representing a single design type. For UN portable tanks, the certificate must refer to the prototype test report, the hazardous material or group of hazardous materials allowed to be transported, the materials of construction of the shell and lining (when applicable) and an approval number. The approval number must consist of the distinguishing sign or mark of the country ("USA" for the United States of America) where the approval was granted and a registration number.

(iii) Retain a copy of each approval certificate.

(8) For UN portable tanks, the approval certificate must also include the following:

(i) The results of the applicable framework and rail impact test specified in part 180, subpart G, of this subchapter; and

(ii) The results of the initial inspection and test in § 180.605 of this subchapter.

(9) The approval agency shall be independent from the manufacturer. The approval agency and the authorized inspector may be the same entity.

(c) *Manufacturers' responsibilities.* The manufacturer is responsible for compliance with the applicable specifications for the design and construction of portable tanks. In addition to responsibility for compliance, manufacturers are responsible for ensuring that the contracted approval agency and authorized inspector, if applicable, are qualified, reputable and competent. The manufacturer of a portable tank shall—

(1) Comply with all the applicable requirements of the ASME Code (see § 171.7 of this subchapter) and of this subpart including, but not limited to, ensuring that the quality control, design calculations and required tests are performed and that all aspects of the portable tank meet the applicable requirements.

(2) Obtain and use a designated approval agency, if applicable, and obtain and use a DOT-designated approval agency to approve the design, construction and certification of the portable tank.

(3) Provide a statement in the manufacturers' data report certifying that each portable tank that is manufactured complies with the relevant specification and all the applicable requirements of this subchapter.

(4) Maintain records of the qualification of portable tanks for at least 5 years and provide copies to the approval agency, the owner or lessee of the tank. Upon request, provide these records to a representative of DOT.

(d) *Denial of application for approval.* If an approval agency finds that a portable tank cannot be approved for any reason, it shall notify the applicant in writing and shall provide the applicant with the reasons for which the approval is denied. A copy of the notification letter shall be provided to the Associate Administrator. An applicant aggrieved by a decision of an approval agency may appeal the decision in writing, within 90 days of receipt, to the Associate Administrator.

(e) *Modifications to approved portable tanks.* (1) Prior to modification of any approved portable tank which may affect conformance and the safe use of an IM or UN portable tank, which may involve a change to the design type or which may affect its ability to retain the hazardous material in transportation, the person desiring to make such modification shall inform the approval agency that issued the initial approval of the portable tank (or if unavailable another approval agency) of the nature of the modification and request approval of the modification. The person desiring to modify the tank must supply the approval agency with three sets of all revised drawings, calculations, and test data relative to the intended modification.

(2) A statement as to whether the intended modification has been examined and determined to be unacceptable by any approval agency. The written statement must include the name of the approving agency, the reason for nonacceptance, and the nature of changes made to the modification since its original rejection.

(3) The approval agency shall review the request for modification, and if it is determined that the proposed modification is in full compliance with the relevant DOT specification, including a UN portable tank, the request shall be approved and the approval agency shall perform the following activities:

(i) Return one set of the approved revised drawings, calculations, and test data to the applicant. The second and third sets of the approved revised drawings, calculations, and data shall be retained by the approval agency as required in § 107.404(a)(3) of this subchapter.

(ii) Ensure through appropriate inspection that all modifications conform to the revised drawings, calculations, and test data.

(iii) Determine the extent to which retesting of the modified tank is necessary based on the nature of the proposed modification, and ensure that all required retests are satisfactorily performed.

(iv) If modification to an approved tank alters any information on the approval certificate, issue a new approval certificate for the modified tank and ensure that any necessary changes are made to the metal identification plate. A copy of each newly issued approval certificate shall be retained by the approval agency and by the owner of each portable tank.

(4) If the approval agency determines that the proposed modification is not in compliance with the relevant DOT specification, the approval agency shall deny the request in accordance with paragraph (d) of this section.

(f) *Termination of Approval Certificate.* (1) The Associate Administrator may terminate an approval issued under this section if he determines that—

(i) Information upon which the approval was based is fraudulent or substantially erroneous; or

(ii) Termination of the approval is necessary to adequately protect against risks to life and property; or

(iii) The approval was not issued by the approval agency in good faith; or

(iv) The portable tank does not meet the specification.

(2) Before an approval is terminated, the Associate Administrator gives the interested party(ies):

(i) Written notice of the facts or conduct believed to warrant the termination;

(ii) Opportunity to submit oral and written evidence; and

(iii) Opportunity to demonstrate or achieve compliance with the applicable requirements.

(3) If the Associate Administrator determines that a certificate of approval must be terminated to preclude a significant and imminent adverse affect on public safety, he may terminate the certificate immediately. In such circumstances, the opportunities of paragraphs (f)(2) (ii) and (iii) of this section need not be provided prior to termination of the approval, but shall be provided as soon as practicable thereafter.

71. Section 178.274 is added to subpart H to read as follows:

§ 178.274 Specifications for UN portable tanks.

(a) *General.* (1) Each UN portable tank must meet the requirements of this section. In addition to the requirements of this section, requirements specific to UN portable tanks used for liquid and solid hazardous materials, non-refrigerated liquefied gases and refrigerated liquefied gases are provided in §§ 178.275, 178.276 and 178.277, respectively. Requirements for approval, maintenance, inspection, testing and use are provided in § 178.273 and part 180, subpart G, of this subchapter. Any portable tank which meets the definition of a "container" within the terms of the International Convention for Safe Containers (CSC) must meet the requirements of the CSC as amended and 49 CFR parts 450 through 453 and must have a CSC safety approval plate.

(2) In recognition of scientific and technological advances, the technical requirements applicable to UN portable

tanks may be varied if approved by the Associate Administrator and the portable tank is shown to provide a level of safety equal to or exceeding the requirements of this subchapter. Portable tanks approved to alternative technical requirements must be marked "Alternative Arrangement" as specified in paragraph (i) of this section.

(3) *Definitions.* The following definitions apply for the purposes of design and construction of UN portable tanks under this subpart:

Alternate Arrangement portable tank means a UN portable tank that has been approved to alternative technical requirements or testing methods other than those specified for UN portable tanks in part 178 or part 180 of this subchapter.

Approval agency means the designated approval agency authorized to approve the portable tank in accordance with the procedures in subpart E of part 107 of this subchapter.

Design pressure is defined according to the hazardous materials intended to be transported in the portable tank. See §§ 178.275, 178.276 and 178.277, as applicable.

Design type means a portable tank or series of portable tanks made of materials of the same material specifications and thicknesses, manufactured by a single manufacturer, using the same fabrication techniques (for example, welding procedures) and made with equivalent structural equipment, closures, and service equipment.

Fine grain steel means steel which has a ferritic grain size of 6 or finer when determined in accordance with ASTM E 112–96 (see § 171.7 of this subchapter).

Fusible element means a non-reclosing pressure relief device that is thermally activated and that provides protection against excessive pressure buildup in the portable tank developed by exposure to heat, such as from a fire (see § 178.275(g)).

Jacket means the outer insulation cover or cladding which may be part of the insulation system.

Leakage test means a test using gas to subject the shell and its service equipment to an internal pressure.

Maximum allowable working pressure (MAWP) is defined according to the hazardous materials intended to be transported in the portable tank. See §§ 178.275, 178.276 and 178.277, as applicable.

Maximum permissible gross mass (MPGM) means the sum of the tare mass of the portable tank and the heaviest hazardous material authorized for transportation.

Mild steel means a steel with a guaranteed minimum tensile strength of 360 N/mm^2 to 440 N/mm^2 and a guaranteed minimum elongation at fracture as specified in paragraph (c)(10) of this section.

Offshore portable tank means a portable tank specially designed for repeated use in the transportation of hazardous materials to, from and between offshore facilities. An offshore portable tank is designed and constructed in accordance with the Guidelines for the Approval of Containers Handled in Open Seas specified in the IMDG Code (see § 171.7 of this subchapter).

Reference steel means a steel with a tensile strength of 370 N/mm^2 and an elongation at fracture of 27%.

Service equipment means measuring instruments and filling, discharge, venting, safety, heating, cooling and insulating devices.

Shell means the part of the portable tank which retains the hazardous materials intended for transportation, including openings and closures, but does not include service equipment or external structural equipment.

Structural equipment means the reinforcing, fastening, protective and stabilizing members external to the shell.

Test pressure means the maximum gauge pressure at the top of the shell during the hydraulic pressure test equal to not less than 1.5 times the design pressure for liquids and 1.3 for liquefied compressed gases. In some instances a pneumatic test is authorized as an alternative to the hydraulic test. The minimum test pressures for portable tanks intended for specific liquid and solid hazardous materials are specified in the applicable portable tank T codes (such as T1–T23) assigned to these hazardous materials in the § 172.101 Table of this subchapter.

(b) *General design and construction requirements.* (1) The design temperature range for the shell must be −40 °C to 50 °C (−40 °F to 122 °F) for hazardous materials transported under normal conditions of transportation, except for portable tanks used for refrigerated liquefied gases where the minimum design temperature must not be higher than the lowest (coldest) temperature (for example, service temperature) of the contents during filling, discharge or transportation. For hazardous materials handled under elevated temperature conditions, the design temperature must not be less than the maximum temperature of the hazardous material during filling, discharge or transportation. More severe design temperatures must be considered for portable tanks subjected to severe climatic conditions (for example, portable tanks transported in arctic regions). Shells must be designed and constructed in accordance with the requirements of the ASME Code, Section VIII, Division 1 (see § 171.7 of this subchapter), except as limited or modified in this subchapter. For portable tanks used for liquid or solid hazardous materials, a design code other than the ASME Code may be used if approved by the Associate Administrator. Portable tanks used for non-refrigerated and refrigerated liquified compressed gases require an ASME certification and U stamp. Shells must be made of metallic materials suitable for forming. Non-metallic materials may be used for the attachments and supports between the shell and jacket, provided their material properties at the minimum and maximum design temperatures are proven to be sufficient. For welded shells, only a material whose weldability has been fully demonstrated may be used. Welds must be of high quality and conform to a level of integrity at least equivalent to the welding requirements specified in Section VIII of the ASME Code for the welding of pressure vessels. When the manufacturing process or the materials make it necessary, the shells must be suitably heat-treated to guarantee adequate toughness in the weld and in the heat-affected zones. In choosing the material, the design temperature range must be taken into account with respect to risk of brittle fracture, stress corrosion cracking, resistance to impact, and suitability for the hazardous materials intended for transportation in the portable tank. When fine grain steel is used, the guaranteed value of the yield strength must be not more than 460 N/mm^2 and the guaranteed value of the upper limit of the tensile strength must be not more than 725 N/mm^2 according to the material specification. Aluminum may not be used as a construction material for the shells of portable tanks intended for the transport of non-refrigerated liquefied gases. For portable tanks intended for the transport of liquid or solid hazardous materials, aluminum may only be used as a construction material for portable tank shells if approved by the Associate Administrator. Portable tank materials must be suitable for the external environment where they will be transported, taking into account the determined design temperature range. Portable tanks shall be designed to withstand, without loss of contents, at least the internal pressure due to the

contents and the static, dynamic and thermal loads during normal conditions of handling and transportation. The design must take into account the effects of fatigue, caused by repeated application of these loads through the expected life of the portable tank.

(2) Portable tank shells, fittings, and pipework shall be constructed from materials that are:

(i) Compatible with the hazardous materials intended to be transported; or

(ii) Properly passivated or neutralized by chemical reaction, if applicable; or

(iii) For portable tanks used for liquid and solid materials, lined with corrosion-resistant material directly bonded to the shell or attached by equivalent means.

(3) Gaskets and seals shall be made of materials that are compatible with the hazardous materials intended to be transported.

(4) When shells are lined, the lining must be compatible with the hazardous materials intended to be transported, homogeneous, non-porous, free from perforations, sufficiently elastic and compatible with the thermal expansion characteristics of the shell. The lining of every shell, shell fittings and piping must be continuous and must extend around the face of any flange. Where external fittings are welded to the tank, the lining must be continuous through the fitting and around the face of external flanges. Joints and seams in the lining must be made by fusing the material together or by other equally effective means.

(5) Contact between dissimilar metals which could result in damage by galvanic action must be prevented by appropriate measures.

(6) The construction materials of the portable tank, including any devices, gaskets, linings and accessories, must not adversely affect or react with the hazardous materials intended to be transported in the portable tank.

(7) Portable tanks must be designed and constructed with supports that provide a secure base during transportation and with suitable lifting and tie-down attachments.

(c) *Design criteria.* (1) Portable tanks and their fastenings must, under the maximum permissible loads and maximum permissible working pressures, be capable of absorbing the following separately applied static forces (for calculation purposes, acceleration due to gravity (g) =9.81m/s^2):

(i) In the direction of travel: 2g (twice the MPGM multiplied by the acceleration due to gravity);

(ii) Horizontally at right angles to the direction of travel: 1g (the MPGM multiplied by the acceleration due to gravity);

(iii) Vertically upwards: 1g (the MPGM multiplied by the acceleration due to gravity); and

(iv) Vertically downwards: 2g (twice the MPGM multiplied by the acceleration due to gravity).

(2) Under each of the forces specified in paragraph (c)(1) of this section, the safety factor must be as follows:

(i) For metals having a clearly defined yield point, a design margin of 1.5 in relation to the guaranteed yield strength; or

(ii) For metals with no clearly defined yield point, a design margin of 1.5 in relation to the guaranteed 0.2% proof strength and, for austenitic steels, the 1% proof strength.

(3) The values of yield strength or proof strength must be the values according to recognized material standards. When austenitic steels are used, the specified minimum values of yield strength or proof strength according to the material standards may be increased by up to 15% for portable tanks used for liquid and solid hazardous materials, other than toxic by inhalation liquids meeting the criteria of Hazard Zone A or Hazard Zone B (see § 173.133 of this subchapter), when these greater values are attested in the material inspection certificate.

(4) Portable tanks must be capable of being electrically grounded to prevent dangerous electrostatic discharge when they are used for Class 2 flammable gases or Class 3 flammable liquids, including elevated temperature materials transported at or above their flash point.

(5) For shells of portable tanks used for liquefied compressed gases, the shell must consist of a circular cross section. Shells must be of a design capable of being stress-analysed mathematically or experimentally by resistance strain gauges as specified in UG–101, Section VIII of the ASME Code (see § 171.7 of this subchapter), or other methods approved by the Associate Administrator.

(6) Shells must be designed and constructed to withstand a hydraulic test pressure of not less than 1.5 times the design pressure for portable tanks used for liquids and 1.3 times the design pressure for portable tanks used for liquefied compressed gases. Specific requirements are provided for each hazardous material in the applicable T Code or portable tank special provision specified in the § 172.101 Table of this subchapter. The minimum shell thickness requirements must also be taken into account.

(7) For metals exhibiting a clearly defined yield point or characterized by a guaranteed proof strength (0.2% proof strength, generally, or 1% proof strength for austenitic steels), the primary membrane stress σ (sigma) in the shell must not exceed 0.75 Re or 0.50 Rm, whichever is lower, at the test pressure, where:

Re = yield strength in N/mm^2, or 0.2% proof strength or, for austenitic steels, 1% proof strength;

Rm = minimum tensile strength in N/mm^2.

(8) The values of Re and Rm to be used must be the specified minimum values according to recognized material standards. When austenitic steels are used, the specified minimum values for Re and Rm according to the material standards may be increased by up to 15% when greater values are attested in the material inspection certificate.

(9) Steels which have a Re/Rm ratio of more than 0.85 are not allowed for the construction of welded shells. The values of Re and Rm to be used in determining this ratio must be the values specified in the material inspection certificate.

(10) Steels used in the construction of shells must have an elongation at fracture, in percentage, of not less than 10,000/Rm with an absolute minimum of 16% for fine grain steels and 20% for other steels.

(11) For the purpose of determining actual values for materials for sheet metal, the axis of the tensile test specimen must be at right angles (transversely) to the direction of rolling. The permanent elongation at fracture must be measured on test specimens of rectangular cross sections in accordance with ISO 6892 (see § 171.7 of this subchapter), using a 50 mm gauge length.

(d) *Minimum shell thickness.* (1) The minimum shell thickness must be the greatest thickness of the following:

(i) the minimum thickness determined in accordance with the requirements of paragraphs (d)(2) through (d)(10) of this section;

(ii) the minimum thickness determined in accordance with Section VIII of the ASME Code (see § 171.7 of this subchapter) or other approved pressure vessel code; or

(iii) the minimum thickness specified in the applicable T code or portable tank special provision indicated for each hazardous material in the § 172.101 Table of this subchapter.

(2) Shells (cylindrical portions, heads and manhole covers) not more than 1.80 m in diameter may not be less than 5 mm thick in the reference steel or of

equivalent thickness in the metal to be used. Shells more than 1.80 m in diameter may not be less than 6 mm (0.2 inches) thick in the reference steel or of equivalent thickness in the metal to be used. For portable tanks used only for the transportation of powdered or granular solid hazardous materials of Packing Group II or III, the minimum thickness requirement may be reduced to 5 mm in the reference steel or of equivalent thickness in the metal to be used regardless of the shell diameter. For vacuum-insulated tanks, the aggregate thickness of the jacket and the shell must correspond to the minimum thickness prescribed in this paragraph, with the thickness of the shell itself not less than the minimum thickness prescribed in paragraph (d)(3) of this section.

(3) When additional protection against shell damage is provided in the case of portable tanks used for liquid and solid hazardous materials requiring test pressures less than 2.65 bar (265.0 kPa), subject to certain limitations specified in the UN Recommendations (see § 171.7 of this subchapter), the Associate Administrator may approve a reduced minimum shell thickness.

(4) The cylindrical portions, heads and manhole covers of all shells must not be less than 3 mm (0.1 inch) thick regardless of the material of construction, except for portable tanks used for liquefied compressed gases where the cylindrical portions, ends (heads) and manhole covers of all shells must not be less than 4 mm (0.2 inch) thick regardless of the material of construction.

(5) When steel is used, that has characteristics other than that of reference steel, the equivalent thickness of the shell and heads must be determined according to the following formula:

$$e_1 = \frac{21.4 e_0 d_1}{1.8m \sqrt[3]{Rm_1 \times A_1}}$$

Where:

e_1 = required equivalent thickness (in mm) of the metal to be used;

e_0 = minimum thickness (in mm) of the reference steel specified in the applicable T code or portable tank special provision indicated for each material in the § 172.101 Table of this subchapter;

d_1 = 1.8m, unless the formula is used to determine the equivalent minimum thickness for a portable tank shell that is required to have a minimum thickness of 8mm or 10mm according to the applicable T code indicated in the § 172.101 Table of this subchapter. When reference steel thicknesses of 8mm or 10mm are specified, d_1 is equal to the actual diameter of the shell but not less than 1.8m;

Rm_1 = guaranteed minimum tensile strength (in N/mm²) of the metal to be used;

A_1 = guaranteed minimum elongation at fracture (in %) of the metal to be used according to recognized material standards.

(6) The wall and all parts of the shell may not have a thickness less than that prescribed in paragraphs (d)(2), (d)(3) and (d)(4) of this section. This thickness must be exclusive of any corrosion allowance.

(7) There must be no sudden change of plate thickness at the attachment of the heads to the cylindrical portion of the shell.

(e) *Service equipment.* (1) Service equipment must be arranged so that it is protected against the risk of mechanical damage by external forces during handling and transportation. When the connections between the frame and the shell allow relative movement between the sub-assemblies, the equipment must be fastened to allow such movement without risk of damage to any working part. The external discharge fittings (pipe sockets, shut-off devices) and the internal stop-valve and its seating must be protected against mechanical damage by external forces (for example, by using shear sections). Each internal self-closing stop-valve must be protected by a shear section or sacrificial device located outboard of the valve. The shear section or sacrificial device must break at no more than 70% of the load that would cause failure of the internal self-closing stop valve. The filling and discharge devices (including flanges or threaded plugs) and any protective caps must be capable of being secured against unintended opening.

(2) Each filling or discharge opening of a portable tank must be clearly marked to indicate its function.

(3) Each stop-valve or other means of closure must be designed and constructed to a rated pressure not less than the MAWP of the shell taking into account the temperatures expected during transport. All stop-valves with screwed spindles must close by a clockwise motion of the handwheel. For other stop-valves, the position (open and closed) and direction of closure must be clearly indicated. All stop-valves must be designed to prevent unintentional opening.

(4) Piping must be designed, constructed and installed to avoid the risk of damage due to thermal expansion and contraction, mechanical shock and vibration. All piping must be of a suitable metallic material. Welded pipe joints must be used wherever possible.

(5) Joints in copper tubing must be brazed or have an equally strong metal union. The melting point of brazing materials must be no lower than 525°C (977°F). The joints must not decrease the strength of the tubing, such as may happen when cutting threads. Brazed joints are not authorized for portable tanks intended for refrigerated liquefied gases.

(6) The burst pressure of all piping and pipe fittings must be greater than the highest of four times the MAWP of the shell or four times the pressure to which it may be subjected in service by the action of a pump or other device (except pressure relief devices).

(7) Ductile metals must be used in the construction of valves and accessories.

(f) *Pressure relief devices.*—(1) *Marking of pressure relief devices.* Every pressure relief device must be clearly and permanently marked with the following:

(i) the pressure (in bar or kPa) or temperature for fusible elements (in °C) at which it is set to discharge;

(ii) the allowable tolerance at the discharge pressure for reclosing devices;

(iii) the reference temperature corresponding to the rated pressure for frangible discs;

(iv) the allowable temperature tolerance for fusible elements;

(v) the rated flow capacity of the device in standard cubic meters of air per second (m^3/s)determined according to ISO 4126–1 (see § 171.7 of this subchapter); and

(vi) when practicable, the device must show the manufacturer's name and product number.

(2) *Connections to pressure relief devices.* Connections to pressure relief devices must be of sufficient size to enable the required discharge to pass unrestricted to the safety device. No stop-valve may be installed between the shell and the pressure relief devices except where duplicate devices are provided for maintenance or other reasons and the stop-valves serving the devices actually in use are locked open or the stop-valves are interlocked so that at least one of the devices is always in use. There must be no obstruction in an opening leading to a vent or pressure relief device which might restrict or cut-off the flow from the shell to that device. Vents or pipes from the pressure relief device outlets, when used, must deliver the relieved vapor or liquid to the atmosphere in conditions of minimum back-pressure on the relieving devices.

(3) *Location of pressure relief devices.* (i) Each pressure relief device inlet must be situated on top of the shell in a position as near the longitudinal and

transverse center of the shell as reasonably practicable. All pressure relief device inlets must, under maximum filling conditions, be situated in the vapor space of the shell and the devices must be so arranged as to ensure that any escaping vapor is not restricted in any manner. For flammable hazardous materials, the escaping vapor must be directed away from the shell in such a manner that it cannot impinge upon the shell. For refrigerated liquefied gases, the escaping vapor must be directed away from the tank and in such a manner that it cannot impinge upon the tank. Protective devices which deflect the flow of vapor are permissible provided the required relief-device capacity is not reduced.

(ii) Provisions must be implemented to prevent unauthorized persons from access to the pressure relief devices and to protect the devices from damage caused by the portable tank overturning.

(g) *Gauging devices.* Unless a portable tank is intended to be filled by weight, it must be equipped with one or more gauging devices. Glass level-gauges and gauges made of other fragile material, which are in direct communication with the contents of the tank are prohibited. A connection for a vacuum gauge must be provided in the jacket of a vacuum-insulated portable tank.

(h) *Portable tank supports, frameworks, lifting and tie-down attachments.* (1) Portable tanks must be designed and constructed with a support structure to provide a secure base during transport. The forces and safety factors specified in paragraphs (c)(1) and (c)(2) of this section, respectively, must be taken into account in this aspect of the design. Skids, frameworks, cradles or other similar structures are acceptable.

(2) The combined stresses caused by portable tank mountings (for example, cradles, framework, etc.) and portable tank lifting and tie-down attachments must not cause stress that would damage the shell in a manner that would compromise its lading retention capability. Permanent lifting and tie-down attachments must be fitted to all portable tanks. Preferably they should be fitted to the portable tank supports but may be secured to reinforcing plates located on the shell at the points of support. Each portable tank must be designed so that the center of gravity of the filled tank is approximately centered within the points of attachment for lifting devices.

(3) In the design of supports and frameworks, the effects of environmental corrosion must be taken into account.

(4) Forklift pockets must be capable of being closed off. The means of closing forklift pockets must be a permanent part of the framework or permanently attached to the framework. Single compartment portable tanks with a length less than 3.65 m (12 ft.) need not have forklift pockets that are capable of being closed off provided that:

(i) The shell, including all the fittings, are well protected from being hit by the forklift blades; and

(ii) The distance between forklift pockets (measured from the center of each pocket) is at least half of the maximum length of the portable tank.

(5) During transport, portable tanks must be adequately protected against damage to the shell, and service equipment resulting from lateral and longitudinal impact and overturning, or the shell and service equipment must be constructed to withstand the forces resulting from impact or overturning. External fittings must be protected so as to preclude the release of the shell contents upon impact or overturning of the portable tank on its fittings. Examples of protection include:

(i) Protection against lateral impact which may consist of longitudinal bars protecting the shell on both sides at the level of the median line;

(ii) Protection of the portable tank against overturning which may consist of reinforcement rings or bars fixed across the frame;

(iii) Protection against rear impact which may consist of a bumper or frame;

(iv) Protection of the shell against damage from impact or overturning by use of an ISO frame in accordance with ISO 1496–3 (see § 171.7 of this subchapter); and

(v) Protection of the portable tank from impact or damage that may result from overturning by an insulation jacket.

(i) *Marking.* (1) Every portable tank must be fitted with a corrosion resistant metal plate permanently attached to the portable tank in a conspicuous place and readily accessible for inspection. When the plate cannot be permanently attached to the shell, the shell must be marked with at least the information required by Section VIII of the ASME Code (see § 171.7 of this subchapter). At a minimum, the following information must be marked on the plate by stamping or by any other equivalent method:

Country of manufacture
U N
Approval Country
Approval Number
Alternative Arrangements (see § 178.247(a)(2)) "AA"
Manufacturer's name or mark
Manufacturer's serial number
Approval Agency (Authorized body for the design approval)
Owner's registration number
Year of manufacture
Pressure vessel code to which the shell is designed
Test pressure_____bar gauge.
MAWP_____bar gauge.
External design pressure (not required for portable tanks used for refrigerated liquefied gases)_____bar gauge.
Design temperature range_____°C to_____°C. (For portable tanks used for refrigerated liquefied gases, the minimum design temperature must be marked.)
Water capacity at 20°C/_____liters.
Water capacity of each compartment at 20°C_____liters.
Initial pressure test date and witness identification.
MAWP for heating/cooling system_____bar gauge.
Shell material(s) and material standard reference(s).
Equivalent thickness in reference steel_____mm.
Lining material (when applicable).
Date and type of most recent periodic test(s).
Month_____Year_____Test pressure_____bar gauge.
Stamp of approval agency that performed or witnessed the most recent test.
For portable tanks used for refrigerated liquefied gases:
Either "thermally insulated" or "vacuum insulated"_____.
Effectiveness of the insulation system (heat influx)_____Watts (W).
Reference holding time_____days or hours and initial pressure_____bar/kPa gauge and degree of filling_____in kg for each refrigerated liquefied gas permitted for transportation.

(2) The following information must be marked either on the portable tank itself or on a metal plate firmly secured to the portable tank:

Name of the operator.
Name of hazardous materials being transported and maximum mean bulk temperature (except for refrigerated liquefied gases, the name and temperature are only required when the maximum mean bulk temperature is higher than 50°C).
Maximum permissible gross mass (MPGM)_____kg.
Unladen (tare) mass_____kg.

Note to Paragraph (i)(2): For the identification of the hazardous materials being transported refer to part 172 of this subchapter.

(3) If a portable tank is designed and approved for open seas operations, such as offshore oil exploration, in accordance with the IMDG Code, the words "OFFSHORE PORTABLE TANK" must be marked on the identification plate.

(j) *Initial inspection and test.* The initial inspection and test of a portable tank must include the following:

(1) A check of the design characteristics.

(2) An internal and external examination of the portable tank and its fittings, taking into account the hazardous materials to be transported. For UN portable tanks used for refrigerated liquefied gases, a pressure test using an inert gas may be conducted instead of a hydrostatic test. An internal inspection is not required for a portable tank used for the dedicated transportation of refrigerated liquefied gases that are not filled with an inspection opening.

(3) A pressure test as specified in paragraph (i) of this section.

(4) A leakage test.

(5) A test of the satisfactory operation of all service equipment including pressure relief devices must also be performed. When the shell and its fittings have been pressure-tested separately, they must be subjected to a leakage test after reassembly. All welds, subject to full stress level in the shell, must be inspected during the initial test by radiographic, ultrasonic, or another suitable non-destructive test method. This does not apply to the jacket.

(6) A UN portable tank that meets the definition of "container" in the CSC (see 49 CFR 450.3(a)(2)) must be subjected to an impact test using a prototype representing each design type. The prototype portable tank must be shown to be capable of absorbing the forces resulting from an impact not less than 4 times (4 g) the maximum permissable gross mass of the fully loaded portable tank at a duration typical of the mechanical shocks experienced in rail transportation. A listing of standards describing methods acceptable for performing the impact test are provided in the UN Recommendations (see § 171.7 of this subchapter). UN portable tanks used for the dedicated transportation of "Helium, refrigerated liquid," UN1963 and "Hydrogen, refrigerated liquid," UN1966 that are marked "NOT FOR RAIL TRANSPORT" in letters of a minimum height of 20 cm (8 inches) on at least two sides of the portable tank are excepted from the 4 g impact test.

(7) The following tests must be completed on a portable tank or a series of portable tanks designed and constructed to a single design type that is also a CSC container without leakage or deformation that would render the portable tank unsafe for transportation and use:

(i) *Longitudinal inertia.* The portable tank loaded to its maximum gross weight must be positioned with its longitudinal axis vertical. It shall be held in this position for five minutes by support at the lower end of the base structure providing vertical and lateral restraint and by support at the upper end of the base structure providing lateral restraint only.

(ii) *Lateral inertia.* The portable tank loaded to its maximum gross weight must be positioned for five minutes with its transverse axis vertical. It shall be held in this position for five minutes by support at the lower side of the base structure providing vertical and lateral restraint and by support at the upper side of the base structure providing lateral restraint only.

72. Section 178.275 is added to subpart H to read as follows:

§ 178.275 Specification for UN Portable Tanks intended for the transportation of liquid and solid hazardous materials.

(a) In addition to the requirements of § 178.274, this section sets forth definitions and requirements that apply to UN portable tanks intended for the transportation of liquid and solid hazardous materials.

(b) *Definitions and requirements.*—(1) *Design pressure* means the pressure to be used in calculations required by the recognized pressure vessel code. The design pressure must not be less than the highest of the following pressures:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The sum of—

(A) The absolute vapor pressure (in bar) of the hazardous material at 65 °C, minus 1 bar (149 °F, minus 100 kPa);

(B) The partial pressure (in bar) of air or other gases in the ullage space, resulting from their compression during filling without pressure relief by a maximum ullage temperature of 65 °C (149 °F) and a liquid expansion due to an increase in mean bulk temperature of 35 °C (95 °F); and

(C) A head pressure determined on the basis of the forces specified in § 178.274(c) of this subchapter, but not less than 0.35 bar (35 kPa).

(2) *Maximum allowable working pressure (MAWP)* means a pressure that must not be less than the highest of the following pressures measured at the top of the shell while in operating position:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The maximum effective gauge pressure to which the shell is designed which must be not less than the design pressure.

(c) *Service equipment.* (1) In addition to the requirements specified in § 178.274, for service equipment, all openings in the shell, intended for filling or discharging the portable tank must be fitted with a manually operated stop-valve located as close to the shell as reasonably practicable. Other openings, except for openings leading to venting or pressure relief devices, must be equipped with either a stop-valve or another suitable means of closure located as close to the shell as reasonably practicable.

(2) All portable tanks must be fitted with a manhole or other inspection openings of a suitable size to allow for internal inspection and adequate access for maintenance and repair of the interior. Compartmented portable tanks must have a manhole or other inspection openings for each compartment.

(3) For insulated portable tanks, top fittings must be surrounded by a spill collection reservoir with suitable drains.

(4) Piping must be designed, constructed and installed to avoid the risk of damage due to thermal expansion and contraction, mechanical shock and vibration. All piping must be of a suitable metallic material. Welded pipe joints must be used wherever possible.

(d) *Bottom openings.* (1) Certain hazardous materials may not be transported in portable tanks with bottom openings. When the applicable T code or portable tank special provision, as referenced for materials in the § 172.101 Table of this subchapter, specifies that bottom openings are prohibited, there must be no openings below the liquid level of the shell when it is filled to its maximum permissible filling limit. When an existing opening is closed, it must be accomplished by internally and externally welding one plate to the shell.

(2) Bottom discharge outlets for portable tanks carrying certain solid, crystallizable or highly viscous hazardous materials must be equipped with at least two serially fitted and mutually independent shut-off devices. Use of only two shut-off devices is only authorized when this paragraph is referenced in the applicable T Code indicated for each hazardous material in the § 172.101 Table of this subchapter. The design of the equipment must be to the satisfaction of the approval agency and must include:

(i) An external stop-valve fitted as close to the shell as reasonably practicable; and

(ii) A liquid tight closure at the end of the discharge pipe, which may be a bolted blank flange or a screw cap.

(3) Except as provided in paragraph (c)(2) of this section, every bottom discharge outlet must be equipped with

three serially fitted and mutually independent shut-off devices. The design of the equipment must include:

(i) A self-closing internal stop-valve, which is a stop-valve within the shell or within a welded flange or its companion flange, such that:

(A) The control devices for the operation of the valve are designed to prevent any unintended opening through impact or other inadvertent act;

(B) The valve is operable from above or below;

(C) If possible, the setting of the valve (open or closed) must be capable of being verified from the ground;

(D) Except for portable tanks having a capacity less than 1,000 liters (264.2 gallons), it must be possible to close the valve from an accessible position on the portable tank that is remote from the valve itself within 30 seconds of actuation; and

(E) The valve must continue to be effective in the event of damage to the external device for controlling the operation of the valve;

(ii) An external stop-valve fitted as close to the shell as reasonably practicable;

(iii) A liquid tight closure at the end of the discharge pipe, which may be a bolted blank flange or a screw cap; and

(iv) For portable tanks used for the transportation of liquid materials that are flammable, pyrophoric, oxidizing or toxic, the remote means of closure must be capable of thermal activation. The thermal means of activation must activate at a temperature of not more than 121 °C (250 °F).

(e) *Pressure relief devices.* All portable tanks must be fitted with at least one pressure relief device. All relief devices must be designed, constructed and marked in accordance with the requirements of this subchapter.

(f) *Vacuum-relief devices.* (1) A shell which is to be equipped with a vacuum-relief device must be designed to withstand, without permanent deformation, an external pressure of not less than 0.21 bar (21.0 kPa). The vacuum-relief device must be set to relieve at a vacuum setting not greater than –0.21 bar (–21.0 kPa) unless the shell is designed for a higher external over pressure, in which case the vacuum-relief pressure of the device to be fitted must not be greater than the tank design vacuum pressure. A shell that is not fitted with a vacuum-relief device must be designed to withstand, without permanent deformation, an external pressure of not less than 0.4 bar (40.0 kPa).

(2) Vacuum-relief devices used on portable tanks intended for the transportation of hazardous materials meeting the criteria of Class 3, including elevated temperature hazardous materials transported at or above their flash point, must prevent the immediate passage of flame into the shell or the portable tank must have a shell capable of withstanding, without leakage, an internal explosion resulting from the passage of flame into the shell.

(g) *Pressure relief devices.* (1) Each portable tank with a capacity not less than 1,900 liters (501.9 gallons) and every independent compartment of a portable tank with a similar capacity, must be provided with one or more pressure relief devices of the reclosing type. Such portable tanks may, in addition, have a frangible disc or fusible element in parallel with the reclosing devices, except when the applicable T code assigned to a hazardous material requires that the frangible disc precede the pressure relief device, according to paragraph (g)(3) of this section, or when no bottom openings are allowed. The pressure relief devices must have sufficient capacity to prevent rupture of the shell due to over pressurization or vacuum resulting from filling, discharging, heating of the contents or fire.

(2) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure.

(3) When required for certain hazardous materials by the applicable T code or portable tank special provision specified for a hazardous material in the § 172.101 Table of this subchapter, portable tanks must have a pressure relief device consistent with the requirements of this subchapter. Except for a portable tank in dedicated service that is fitted with an approved relief device constructed of materials compatible with the hazardous material, the relief device system must include a frangible disc preceding (such as, between the lading and the reclosing pressure relief device) a reclosing pressure relief device. A pressure gauge or suitable tell-tale indicator for the detection of disc rupture, pin-holing or leakage must be provided in the space between the frangible disc and the pressure relief device to allow the portable tank operator to check to determine if the disc is leak free. The frangible disc must rupture at a nominal pressure 10% above the start-to-discharge pressure of the reclosable pressure relief device.

(4) Every portable tank with a capacity less than 1,900 liters (501.9 gallons) must be fitted with a pressure relief device which, except as provided in paragraph (g)(3) of this section, may be a frangible disc when this disc is set to rupture at a nominal pressure equal to the test pressure at any temperature within the design temperature range.

(5) When the shell is fitted for pressure discharge, a suitable pressure relief device must provide the inlet line to the portable tank and set to operate at a pressure not higher than the MAWP of the shell, and a stop-valve must be fitted as close to the shell as practicable to minimize the potential for damage.

(6) *Setting of pressure relief devices.* (i) Pressure relief devices must operate only in conditions of excessive rise in temperature. The shell must not be subject to undue fluctuations of pressure during normal conditions of transportation.

(ii) The required pressure relief device must be set to start to discharge at a nominal pressure of five-sixths of the test pressure for shells having a test pressure of not more than 4.5 bar (450 kPa) and 110% of two-thirds of the test pressure for shells having a test pressure of more than 4.5 bar (450 kPa). A self-closing relief device must close at a pressure not more than 10% below the pressure at which the discharge starts. The device must remain closed at all lower pressures. This requirement does not prevent the use of vacuum-relief or combination pressure relief and vacuum-relief devices.

(h) *Fusible elements.* Fusible elements must operate at a temperature between 110°C (230°F) and 149°C (300.2°F) provided that the pressure in the shell at the fusing temperature will not exceed the test pressure. They must be placed at the top of the shell with their inlets in the vapor space and in no case may they be shielded from external heat. Fusible elements must not be utilized on portable tanks with a test pressure which exceeds 2.65 bar (265.0 kPa). Fusible elements used on portable tanks intended for the transport of elevated temperature hazardous materials must be designed to operate at a temperature higher than the maximum temperature that will be experienced during transport and must be designed to the satisfaction of the approval agency.

(i) *Capacity of pressure relief devices.* (1) The reclosing pressure relief device required by paragraph (g)(1) of this section must have a minimum cross sectional flow area equivalent to an orifice of 31.75 mm (1.3 inches) diameter. Vacuum-relief devices, when used, must have a cross sectional flow area not less than 284 mm^2 (11.2 $inches^2$).

(2) Under conditions of complete fire engulfment of the portable tank, the combined delivery capacity of the relief

devices must be sufficient to limit the pressure in the shell to 20% above the start-to-discharge pressure specified in paragraph (g)(6) of this section. Emergency pressure relief devices may be used to achieve the full relief capacity prescribed. The total required capacity of the relief devices may be determined using the formula in paragraph (i)(2)(i)(A) of this section or the table in paragraph (i)(2)(iii) of this section.

(i)(A) To determine the total required capacity of the relief devices, which must be regarded as being the sum of the individual capacities of all the contributing devices, the following formula must be used:

$$Q = 12.4\frac{FA^{0.82}}{LC}\sqrt{\frac{ZT}{M}}$$

Where:

Q = minimum required rate of discharge in cubic meters of air per second (m^3/s) at standard conditions: 1 bar and 0°C (273 K);

F = for uninsulated shells: 1; for insulated shells: U(649-t)/13.6 but in no case is less than 0.25 where: U = thermal conductance of the insulation, in $kW \cdot m^{-2} K^{-1}$, at 38°C; and t = actual temperature of the hazardous material during filling (in °C) or when this temperature is unknown, let t = 15°C. The value of F given in this paragraph (i)(2)(i)(A) for insulated shells may only be used if the insulation is in conformance with paragraph (i)(2)(iv) of this section;

A = total external surface area of shell in square meters;

Z = the gas compressibility factor in the accumulating condition (when this factor is unknown, let Z equal 1.0);

T = absolute temperature in Kelvin (°C + 273) above the pressure relief devices in the accumulating condition;

L = the latent heat of vaporization of the liquid, in kJ/kg, in the accumulating condition;

M = molecular weight of the hazardous material.

(B) The constant C, as shown in the formula in paragraph (i)(2)(i)(A) of this section, is derived from one of the following formula as a function of the ratio k of specific heats:

$$k = \frac{c_p}{c_v}$$

Where:

c_p is the specific heat at constant pressure; and

c_v is the specific heat at constant volume.

(C) When k >1:

$$C = \sqrt{k\left(\frac{2}{k+1}\right)^{\frac{k+1}{k-1}}}$$

(D) When k = 1 or k is unknown, a value of 0.607 may be used for the constant C. C may also be taken from the following table:

C CONSTANT VALUE TABLE

k	C	k	C	k	C
1.00	0.607	1.26	0.660	1.52	0.704
1.02	0.611	1.28	0.664	1.54	0.707
1.04	0.615	1.30	0.667	1.56	0.710
1.06	0.620	1.32	0.671	1.58	0.713
1.08	0.624	1.34	0.674	1.60	0.716
1.10	0.628	1.36	0.678	1.62	0.719
1.12	0.633	1.38	0.681	1.64	0.722
1.14	0.637	1.40	0.685	1.66	0.725
1.16	0.641	1.42	0.688	1.68	0.728
1.18	0.645	1.44	0.691	1.70	0.731
1.20	0.649	1.46	0.695	2.00	0.770
1.22	0.652	1.48	0.698	2.20	0.793
1.24	0.656	1.50	0.701		

(ii) As an alternative to the formula in paragraph (i)(2)(i)(A) of this section, relief devices for shells used for transporting liquids may be sized in accordance with the table in paragraph (i)(2)(iii) of this section. The table in paragraph (i)(2)(iii) of this section assumes an insulation value of F = 1 and must be adjusted accordingly when the shell is insulated. Other values used in determining the table in paragraph (i)(2)(iii) of this section are: L = 334.94 kJ/kg; M = 86.7; T = 394 K; Z = 1; and C = 0.607.

(iii) Minimum emergency vent capacity, Q, in cubic meters per air per second at 1 bar and 0°C (273 K) shown in the following table:

MINIMUM EMERGENCY VENT CAPACITY

[Q Values]

A Exposed area (square meters)	Q (Cubic meters of air per second)	A Exposed area (square meters)	Q (Cubic meters of air per second)
2	0.230	37.5	2.539
3	0.320	40	2.677
4	0.405	42.5	2.814
5	0.487	45	2.949
6	0.565	47.5	3.082
7	0.641	50	3.215
8	0.715	52.5	3.346
9	0.788	55	3.476
10	0.859	57.5	3.605
12	0.998	60	3.733
14	1.132	62.5	3.860
16	1.263	65	3.987
18	1.391	67.5	4.112

MINIMUM EMERGENCY VENT CAPACITY—Continued

[Q Values]

A Exposed area (square meters)	Q (Cubic meters of air per second)	A Exposed area (square meters)	Q (Cubic meters of air per second)
20	1.517	70	4.236
22.5	1.670	75	4.483
25	1.821	80	4.726
27.5	1.969	85	4.967
30	2.115	90	5.206
32.5	2.258	95	5.442
35	2.400	100	5.676

(iv) Insulation systems, used for the purpose of reducing venting capacity, must be specifically approved by the approval agency. In all cases, insulation systems approved for this purpose must—

(A) Remain effective at all temperatures up to 649 °C (1200.2 °F); and

(B) Be jacketed with a material having a melting point of 700 °C (1292 °F) or greater.

(j) *Approval, inspection and testing.* Approval procedures for UN portable tanks are specified in § 178.273. Inspection and testing requirements are specified in § 180.605 of this subchapter.

73. Section 178.276 is added to subpart H to read as follows:

§ 178.276 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of non-refrigerated liquefied compressed gases.

(a) In addition to the requirements of § 178.274 applicable to UN portable tanks, the following requirements apply to UN portable tanks used for non-refrigerated liquefied compressed gases. In addition to the definitions in § 178.274, the following definitions apply:

(1) *Design pressure* means the pressure to be used in calculations required by the ASME Code, Section VIII (see § 171.7 of this subchapter). The design pressure must be not less than the highest of the following pressures:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The sum of:

(A) The maximum effective gauge pressure to which the shell is designed as defined in this paragraph under "MAWP"; and

(B) A head pressure determined on the basis of the dynamic forces specified in paragraph (h) of this section, but not less than 0.35 bar (35 kPa).

(2) *Design reference temperature* means the temperature at which the vapor pressure of the contents is determined for the purpose of calculating the MAWP. The value for each portable tank type is as follows:

(i) Shell with a diameter of 1.5 meters (4.9 ft.) or less: 65 °C (149 °F); or

(ii) Shell with a diameter of more than 1.5 meters (4.9 ft.):

(A) Without insulation or sun shield: 60 °C (140 °F);

(B) With sun shield: 55 °C (131 °F); and

(C) With insulation: 50 °C (122 °F).

(3) *Filling density* means the average mass of liquefied compressed gas per liter of shell capacity (kg/l).

(4) *Maximum allowable working pressure (MAWP)* means a pressure that must be not less than the highest of the following pressures measured at the top of the shell while in operating position, but in no case less than 7 bar (700 kPa):

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The maximum effective gauge pressure to which the shell is designed, which must be:

(A) Not less than the pressure specified for each liquefied compressed gas listed in portable tank special provision T50; and

(B) Not less than the sum of:

(*1*) The absolute vapor pressure (in bar) of the liquefied compressed gas at the design reference temperature minus 1 bar; and

(*2*) The partial pressure (in bar) of air or other gases in the ullage space which is determined by the design reference temperature and the liquid phase expansion due to the increase of the mean bulk temperature of t_r-t_f (t_f = filling temperature, usually 15 °C, t_r = 50 °C maximum mean bulk temperature).

(b) *General design and construction requirements.* (1) Shells must be of seamless or welded steel construction, or combination of both, and have a water capacity greater than 450 liters (118.9 gallons). Shells must be designed, constructed, certified and stamped in accordance with the ASME Code, Section VIII (see § 171.7 of this subchapter).

(2) Portable tanks must be postweld heat-treated and radiographed as prescribed in Section VIII of the ASME Code, except that each portable tank constructed in accordance with part UHT of the ASME Code must be postweld heat-treated. Where postweld heat treatment is required, the portable tank must be treated as a unit after completion of all the welds in and/or to the shell and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment is made. A portable tank used for anhydrous ammonia must be postweld heat-treated. The postweld heat treatment must be as prescribed in the ASME Code, but in no event at less than 1050 °F tank metal temperature. Additionally, portable tanks constructed in accordance with part UHT of the ASME Code must conform to the following requirements:

(i) Welding procedure and welder performance tests must be made annually in accordance with Section IX of the ASME Code (see § 171.7 of this subchapter). In addition to the essential variables named therein, the following must be considered to be essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer's identification of rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25 percent from the qualified procedure. Records of the qualification must be retained for at least 5 years by the portable tank manufacturer or his designated agent and, upon request, made available to a representative of the Department of Transportation or the owner of the tank.

(ii) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full-sized specimens shall

be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0 °F (−17.8 °F) Charpy V–Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(3) When the shells intended for the transportation of non-refrigerated liquefied compressed gases are equipped with thermal insulation, a device must be provided to prevent any dangerous pressure from developing in the insulating layer in the event of a leak, when the protective covering is closed it must be gas tight. The thermal insulation must not inhibit access to the fittings and discharge devices. In addition, the thermal insulation systems must satisfy the following requirements:

(i) consist of a shield covering not less than the upper third, but not more than the upper half of the surface of the shell, and separated from the shell by an air space of approximately 40 mm (1.7 inches) across; or

(ii) consist of a complete cladding of insulating materials. The insulation must be of adequate thickness and constructed to prevent the ingress of moisture and damage to the insulation. The insulation and cladding must have a thermal conductance of not more than 0.67 ($W \cdot m^{-2} \cdot K^{-1}$) under normal conditions of transportation.

(c) *Service equipment.* (1) Each opening with a diameter of more than 1.5 mm (0.1 inch) in the shell of a portable tank, except openings for pressure-relief devices, inspection openings and closed bleed holes, must be fitted with at least three mutually independent shut-off devices in series: the first being an internal stop-valve, excess flow valve, integral excess flow valve, or excess flow feature (see § 178.337–1(g)), the second being an external stop-valve and the third being a blank flange, thread cap, plug or equivalent tight liquid closure device.

(2) When a portable tank is fitted with an excess flow valve, the excess flow valve must be so fitted that its seating is inside the shell or inside a welded flange or, when fitted externally, its mountings must be designed so that in the event of impact it maintains its effectiveness. The excess flow valves must be selected and fitted so as to close automatically when the rated flow, specified by the manufacturer, is reached. Connections and accessories leading to or from such a valve must have a capacity for a flow more than the excess flow valve's rated flow.

(3) For filling and discharge openings that are located below the liquid level, the first shut-off device must be an internal stop-valve and the second must be a stop-valve placed in an accessible position on each discharge and filling pipe.

(4) For filling and discharge openings located below the liquid level of portable tanks intended for the transportation of flammable and/or toxic liquefied compressed gases, the internal stop-valve must be a self-closing safety device that fully closes automatically during filling or discharge in the event of fire engulfment. The device shall fully close within 30 seconds of actuation and the thermal means of closure must actuate at a temperature of not more than 121 °C (250 °F). Except for portable tanks having a capacity less than 1,000 liters (264.2 gallons), this device must be operable by remote control.

(5) In addition to filling, discharge and gas pressure equalizing orifices, shells may have openings in which gauges, thermometers and manometers can be fitted. Connections for such instruments must be made by suitable welded nozzles or pockets and may not be connected by screwed connections through the shell.

(6) All portable tanks must be fitted with manholes or other inspection openings of suitable size to allow for internal inspection and adequate access for maintenance and repair of the interior.

(7) *Inlets and discharge outlets on chlorine portable tanks.* The inlet and discharge outlets on portable tanks used to transport chlorine must meet the requirements of § 178.337–1(c)(2) and must be fitted with an internal excess flow valve. In addition to the internal excess flow valve, the inlet and discharge outlets must be equipped with an external stop valve (angle valve). Excess flow valves must conform to the standards of The Chlorine Institute, Inc. (see § 171.7 of this subchapter) as follows:

(i) A valve conforming to Drawing 101–7, dated July 1993, must be installed under each liquid angle valve.

(ii) A valve conforming to Drawing 106–6, dated July 1993, must be installed under each gas angle valve. For portable tanks used to transport non-refrigerated liquefied gases.

(8) External fittings must be grouped together as close as reasonably practicable. The following openings may be installed at locations other than on the top or end of the tank:

(i) The openings for liquid level gauging devices, pressure gauges, or for safety devices, may be installed separately at the other location or in the side of the shell;

(ii) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere;

(iii) An opening of 3-inch National Pipe Size or less may be provided at another location, when necessary, to facilitate installation of condensing coils.

(9) Filling and discharge connections are not required to be grouped and may be installed below the normal liquid level of the tank if:

(i) The portable tank is permanently mounted in a full framework for containerized transport;

(ii) For each portable tank design, a prototype portable tank, meets the requirements of parts 450 through 453 of this title for compliance with the requirements of Annex II of the International Convention for Safe Containers; and

(iii) Each filling and discharge outlet meets the requirements of paragraph (c)(4) of this section.

(d) *Bottom openings.* Bottom openings are prohibited on portable tanks when the portable tank special provision T50 in § 172.102(c)(7) of this subchapter indicates that bottom openings are not allowed. In this case, there may be no openings located below the liquid level of the shell when it is filled to its maximum permissible filling limit.

(e) *Pressure relief devices.* (1) Portable tanks must be provided with one or more reclosing pressure relief devices. The pressure relief devices must open automatically at a pressure not less than the MAWP and be fully open at a pressure equal to 110% of the MAWP. These devices must, after discharge, close at a pressure not less than 10% below the pressure at which discharge starts and must remain closed at all lower pressures. The pressure relief devices must be of a type that will resist dynamic forces including liquid surge. A frangible disc may only be used in series with a reclosing pressure relief device.

(2) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of gas and the development of any dangerous excess pressure.

(3) A portable tank intended for the transportation of certain liquefied compressed gases identified in portable tank special provision T50 in § 172.102 of this subchapter must have a pressure relief device which conforms to the requirements of this subchapter. Unless a portable tank, in dedicated service, is fitted with a relief device constructed of materials compatible with the hazardous material, the relief device must be comprised of a frangible disc

preceded by a reclosing device. The space between the frangible disc and the device must be provided with a pressure gauge or a suitable tell-tale indicator. This arrangement must facilitate the detection of disc rupture, pinholing or leakage which could cause a malfunction of the pressure relief device. The frangible disc must rupture at a nominal pressure 10% above the start-to-discharge pressure of the relief device.

(4) In the case of portable tanks used for more than one gas, the pressure relief devices must open at a pressure indicated in paragraph (e)(1) of this section for the gas having the highest maximum allowable pressure of the gases allowed to be transported in the portable tank.

(f) *Capacity of relief devices.* The combined delivery capacity of the relief devices must be sufficient so that, in the event of total fire engulfment, the pressure inside the shell cannot exceed 120% of the MAWP. Reclosing relief devices must be used to achieve the full relief capacity prescribed. In the case of portable tanks used for more than gas, the combined delivery capacity of the pressure relief devices must be taken for the liquefied compressed gas which requires the highest delivery capacity of the liquefied compressed gases allowed to be transported in the portable tank. The total required capacity of the relief devices must be determined according to the requirements in § 178.275(h). These requirements apply only to liquefied compressed gases which have critical temperatures well above the temperature at the accumulating condition. For gases which have critical temperatures near or below the temperature at the accumulating condition, the calculation of the pressure relief device delivery capacity must consider the additional thermodynamic properties of the gas (for example, CGA S–1.2–1980 (see § 171.7 of this subchapter).

74. A new § 178.277 is added to subpart H to read as follows:

§ 178.277 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of refrigerated liquefied gases.

(a) In addition to the requirements of § 178.274 applicable to UN portable tanks, the following requirements and definitions apply to UN portable tanks used for refrigerated liquefied gases:

Design pressure For the purpose of this section the term "design pressure" is consistent with the definition for design pressure in the ASME Code, Section VIII (see § 171.7 of this subchapter).

Holding time is the time, as determined by testing, that will elapse from loading until the pressure of the contents, under equilibrium conditions, reaches the lowest set pressure of the pressure limiting device(s) (for example, pressure control valve or pressure relief device). Holding time must be determined as specified in § 178.338–9.

Maximum allowable working pressure (MAWP) means the maximum effective gauge pressure permissible at the top of the shell of a loaded portable tank in its operating position including the highest effective pressure during filling and discharge;

Minimum design temperature means the temperature which is used for the design and construction of the shell not higher than the lowest (coldest) service temperature of the contents during normal conditions of filling, discharge and transportation.

Shell means the part of the portable tank which retains the refrigerated liquefied gas intended for transport, including openings and their closures, but does not include service equipment or external structural equipment.

Tank means a construction which normally consists of either:

(1) A jacket and one or more inner shells where the space between the shell(s) and the jacket is exhausted of air (vacuum insulation) and may incorporate a thermal insulation system; or

(2) A jacket and an inner shell with an intermediate layer of solid thermally insulating material (for example, solid foam).

(b) *General design and construction requirements.* (1) Portable tanks must be of seamless or welded steel construction and have a water capacity of more than 450 liters (118.9 gallons). Portable tanks must be designed, constructed, certified and stamped in accordance with Section VIII of the ASME Code (see § 171.7 of this subchapter).

(2) Portable tanks must be postweld heat treated and radiographed as prescribed in the ASME Code except that each tank constructed in accordance with part UHT of the ASME Code must be postweld heat treated. Where postweld heat treatment is required, the tank must be treated as a unit after completion of all the welds to the shell and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment is made. The postweld heat treatment must be as prescribed in Section VIII of the ASME Code, but in no event at less than 1050 °F tank metal temperature.

(3) Welding procedure and welder performance tests must be made annually in accordance with Section IX of the ASME Code (see § 171.7 of this subchapter). In addition to the essential variables named in the ASME Code, the following must be considered as essential variables: number of passes, thickness of plate, heat input per pass, and the specified rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25% from the procedure qualification. Records of the qualification must be retained for at least 5 years by the portable tank manufacturer and made available to the approval agency and the owner of the portable tank as specified in § 178.273.

(4) Shells and jackets must be made of metallic materials suitable for forming. Jackets must be made of steel. Non-metallic materials may be used for the attachments and supports between the shell and jacket, provided their material properties at the minimum design temperature are proven to be sufficient. In choosing the material, the minimum design temperature must be taken into account with respect to risk of brittle fracture, to hydrogen embrittlement, to stress corrosion cracking and to resistance to impact.

(5) Any part of a portable tank, including fittings, gaskets and pipework, which can be expected normally to come into contact with the refrigerated liquefied gas transported must be compatible with that refrigerated liquefied gas.

(6) The thermal insulation system must include a complete covering of the shell with effective insulating materials. External insulation must be protected by a jacket so as to prevent the ingress of moisture and other damage under normal transport conditions.

(7) When a jacket is so closed as to be gas-tight, a device must be provided to prevent any dangerous pressure from developing in the insulation space.

(8) Materials which may react with oxygen or oxygen enriched atmospheres in a dangerous manner may not be used in portable tanks intended for the transport of refrigerated liquefied gases having a boiling point below minus 182°C at atmospheric pressure in locations with the thermal insulation where there is a risk of contact with oxygen or with oxygen enriched fluid.

(9) Insulating materials must not deteriorate to an extent that the effectiveness of the insulation system, as determined in accordance with paragraph (b)(11) of this section, would be reduced in service.

(10) A reference holding time must be determined for each refrigerated

liquefied gas intended for transport in a portable tank. The reference holding time must be determined by testing in accordance with the requirements of § 178.338–9, considering the following factors:

(i) The effectiveness of the insulation system, determined in accordance with paragraph (b)(11) of this section;

(ii) The lowest set pressure of the pressure limiting device;

(iii) The initial filling conditions;

(iv) An assumed ambient temperature of 30 °C (86 °F);

(v) The physical properties of the individual refrigerated liquefied gas intended to be transported.

(11) The effectiveness of the insulation system (heat influx in watts) may be determined by type testing the portable tank in accordance with a procedure specified in § 178.338–9(c) or by using the holding time test in § 178.338–9(b). This test must consist of either:

(i) A constant pressure test (for example, at atmospheric pressure) when the loss of refrigerated liquefied gas is measured over a period of time; or

(ii) A closed system test when the rise in pressure in the shell is measured over a period of time.

(12) When performing the constant pressure test, variations in atmospheric pressure must be taken into account. When performing either test, corrections must be made for any variation of the ambient temperature from the assumed ambient temperature reference value of 30°C (86°F).

(13) The jacket of a vacuum-insulated double-wall tank must have either an external design pressure not less than 100 kPa (1 bar) gauge pressure calculated in accordance with the ASME Code or a calculated critical collapsing pressure of not less than 200 kPa (2 bar) gauge pressure. Internal and external reinforcements may be included in calculating the ability of the jacket to resist the external pressure.

Note to Paragraph (b): For the determination of the actual holding time, as indicated by paragraphs (b)(10), (11), (12), and (13), before each journey, refer to § 178.338–9(b).

(c) *Design criteria.* For shells with vacuum insulation, the test pressure must not be less than 1.3 times the sum of the MAWP and 100 kPa (1 bar). In no case may the test pressure be less than 300 kPa (3 bar) gauge pressure.

(d) *Service equipment.* (1) Each filling and discharge opening in portable tanks used for the transport of flammable refrigerated liquefied gases must be fitted with at least three mutually independent shut-off devices in series: the first being a stop-valve situated as close as reasonably practicable to the jacket, the second being a stop-valve and the third being a blank flange or equivalent device. The shut-off device closest to the jacket must be a self-closing device, which is capable of being closed from an accessible position on the portable tank that is remote from the valve within 30 seconds of actuation. This device must actuate at a temperature of not more than 121 °C (250 °F).

(2) Each filling and discharge opening in portable tanks used for the transport of non-flammable refrigerated liquefied gases must be fitted with at least two mutually independent shut-off devices in series: the first being a stop-valve situated as close as reasonably practicable to the jacket and the second a blank flange or equivalent device.

(3) For sections of piping which can be closed at both ends and where liquid product can be trapped, a method of automatic pressure relief must be provided to prevent excess pressure build-up within the piping.

(4) Each filling and discharge opening on a portable tank must be clearly marked to indicate its function.

(5) When pressure-building units are used, the liquid and vapor connections to that unit must be provided with a valve as close to the jacket as reasonably practicable to prevent the loss of contents in case of damage to the pressure-building unit. A check valve may be used for this purpose if it is located on the vapor side of the pressure build-up coil.

(6) The materials of construction of valves and accessories must have satisfactory properties at the lowest operating temperature of the portable tank.

(7) Vacuum insulated portable tanks are not required to have an inspection opening.

(e) *Pressure relief devices.* (1) Every shell must be provided with not less than two independent reclosing pressure relief devices. The pressure relief devices must open automatically at a pressure not less than the MAWP and be fully open at a pressure equal to 110% of the MAWP. These devices must, after discharge, close at a pressure not lower than 10% below the pressure at which discharge starts and must remain closed at all lower pressures. The pressure relief devices must be of the type that will resist dynamic forces including surge.

(2) Except for portable tanks used for oxygen, portable tanks for non-flammable refrigerated liquefied gases (except oxygen) and hydrogen may in addition have frangible discs in parallel with the reclosing devices as specified in paragraphs (e)(4)(ii) and (e)(4)(iii) of this section.

(3) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of gas and the development of any dangerous excess pressure.

(4) *Capacity and setting of pressure relief devices.* (i) In the case of the loss of vacuum in a vacuum-insulated tank or of loss of 20% of the insulation of a portable tank insulated with solid materials, the combined capacity of all pressure relief devices installed must be sufficient so that the pressure (including accumulation) inside the shell does not exceed 120% of the MAWP.

(ii) For non-flammable refrigerated liquefied gases (except oxygen) and hydrogen, this capacity may be achieved by the use of frangible discs in parallel with the required safety-relief devices. Frangible discs must rupture at nominal pressure equal to the test pressure of the shell.

(iii) Under the circumstances described in paragraphs (e)(4)(i) and (e)(4)(ii) of this section, together with complete fire engulfment, the combined capacity of all pressure relief devices installed must be sufficient to limit the pressure in the shell to the test pressure.

(iv) The required capacity of the relief devices must be calculated in accordance with CGA Pamphlet S–1.2 (see § 171.7 of this subchapter).

75. In § 178.703, the section heading and paragraph (a)(1) introductory text are revised and in paragraph (a)(1)(ii), a new sentence is added at the end of the paragraph to read as follows:

§ 178.703 Marking of IBCs.

(a) * * *

(1) Mark every IBC in a durable and clearly visible manner. The marking may be applied in a single line or in multiple lines provided the correct sequence is followed with the information required by this section in letters, numerals and symbols of at least 12 mm in height. This minimum marking size applies only to IBCs manufactured after October 1, 2001). The following information is required in the sequence presented:

* * * * *

(ii) * * * The letter "W" must follow the IBC design type identification code on an IBC when the IBC differs from the requirements in subpart N of this part, or is tested using methods other than those specified in this subpart, and is approved by the Associate Administrator in accordance with the provisions in § 178.801(i).

* * * * *

76. In § 178.705, the section heading and paragraph (c)(1)(iv)(A) are revised and a new paragraph (c)(1)(iv)(C) is added to read as follows:

§ 178.705 Standards for metal IBCs.

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(A) For a reference steel having a product of Rm X Ao = 10,000, where Ao is the minimum elongation (as a percentage) of the reference steel to be used on fracture under tensile stress, (Rm X Ao = 10,000 X 145; if tensile strength is in U.S. Standard units of pounds per square inch) the wall thickness must not be less than:

Capacity (C) in liters [1]	Wall thickness (T) in mm			
	Types 11A, 11B, 11N	Types 21A, 21B, 21N, 31A, 31B, 31N		
		Unprotected	Protected	Unprotected
C ≤ 1000	2.0	1.5	2.5	2.0
1000 < C ≤ 2000	T=C/2000 + 1.5	T=C/2000 + 1.0	T=C/2000 + 2.0	T=C/2000 + 1.5
2000 < C ≤ 3000	T=C/2000 + 1.5	T=C/2000 + 1.0	T=C/1000 + 1.0	T=C/2000 + 1.5

[1] Where: gallons = liters X 0.264.

* * * * *

(C) For purposes of the calculation described in paragraph (c)(1)(iv)(B) of this section, the guaranteed minimum tensile strength of the metal to be used (Rm_1) must be the minimum value according to material standards. However, for austenitic (stainless) steels, the specified minimum value for Rm, according to the material standards, may be increased by up to 15% when a greater value is provided in the material inspection certificate. When no material standard exists for the material in question, the value of Rm must be the minimum value indicated in the material inspection certificate.

* * * * *

77. In § 178.801, in paragraph (i), two sentences are added at the end of the paragraph to read as follows:

§ 178.801 General requirements.

* * * * *

(i) * * * A large packaging, as defined in § 171.8 of this subchapter, may be used if approved by the Associate Administrator. The large packaging must conform to the construction standards, performance testing and packaging marking requirements specified in the UN Recommendations.

* * * * *

78. In § 178.812, paragraph (c)(1) is revised and a new paragraph (c)(3) is added to read as follows:

§ 178.812 Top lift test.

* * * * *

(c) *Test method.* (1) A metal or flexible IBC must be lifted in the manner for which it is designed until clear of the floor and maintained in that position for a period of five minutes.

* * * * *

(3) If not tested as indicated in paragraph (c)(1) of this section, a flexible IBC design type must be tested as follows:

(i) Fill the flexible IBC to 95% full with a material representative of the product to be shipped.

(ii) Suspend the flexible IBC by its lifting devices.

(iii) Apply a constant downward force through a specially designed platen. The platen will be a minimum of 60% and a maximum of 80% of the cross sectional surface area of the flexible IBC.

(iv) The combination of the mass of the filled flexible IBC and the force applied through the platen must be a minimum of six times the maximum net mass of the flexible IBC. The test must be conducted for a period of five minutes.

(v) Other equally effective methods of top lift testing and preparation may be used with approval of the Associate Administrator.

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PART 179—SPECIFICATIONS FOR TANK CARS

79. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 5105–5127; 49 CFR 1.53.

§ 179.102–4 [Amended]

80. In § 179.102–4, in the introductory text, the wording "vinyl fluoride, inhibited" is revised to read "vinyl fluoride, stabilized".

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

81. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

82. Subpart G is added to part 180 to read as follows:

Subpart G—Qualification and Maintenance of Portable Tanks

Sec.

180.601 Applicability.
180.603 Qualification of portable tanks.
180.605 Requirements for periodic testing, inspection and repair of portable tanks.

Subpart G—Qualification and Maintenance of Portable Tanks

§ 180.601 Applicability.

This subpart prescribes requirements, in addition to those contained in parts 107, 171, 172, 173, and 178 of this subchapter, applicable to any person responsible for the continuing qualification, maintenance or periodic retesting of a portable tank.

§ 180.603 Qualification of portable tanks.

(a) Each portable tank used for the transportation of hazardous materials must be an authorized packaging.

(b) To qualify as an authorized packaging, each portable tank must conform to the requirements of this subchapter and the applicable design specification to which the portable tank was constructed.

(c) The following portable tanks are authorized for use provided they conform to all applicable safety requirements of this subchapter: 51, 56, 57, 60, IM 101, IM 102 and UN portable tanks.

(d) A portable tank that also meets the definition of "container" in 49 CFR 450.3(a)(3) must conform to the requirements in parts 450 through 453 of this title for compliance with Annex II of the Convention for Safe Containers (CSC).

(e) *Exemption portable tanks based on DOT 51 portable tanks.* The owner of a portable tank constructed in accordance with and used under an exemption issued prior to August 31, 1996, which was in conformance with the requirements for Specification DOT 51 portable tanks with the exception of the

location of fill and discharge outlets, shall examine the portable tank and its design to determine if it meets the outletrequirements in effect on October 1, 1996. If the owner determines that the portable tank is in compliance with all requirements of the DOT 51 specification, the exemption number stenciled on the portable tank shall be removed and the specification plate (or a plate placed adjacent to the specification plate) shall be durably marked "DOT 51–E*****" (where ***** is to be replaced by the exemption number). During the period the portable tank is in service, and for one year thereafter, the owner of the portable tank must retain on file, at its principal place of business, a copy of the last exemption in effect.

§ 180.605 Requirements for periodic testing, inspection and repair of portable tanks.

(a) A portable tank constructed in accordance with a DOT specification for which a test or inspection specified in this subpart has become due, must be tested or inspected prior to being returned for transportation.

(b) *Conditions requiring test and inspection of portable tanks.* Without regard to any other test or inspection requirements, a Specification or UN portable tank must be tested and inspected in accordance with this section prior to further use if any of the following conditions exist:

(1) The portable tank shows evidence of dents, corroded or abraded areas, leakage, or any other condition that might render it unsafe for transportation service.

(2) The portable tank has been in an accident and has been damaged to an extent that may adversely affect its ability to retain the hazardous material.

(3) The portable tank has been out of hazardous materials transportation service for a period of one year or more.

(4) The portable tank has been modified from its original design specification.

(5) The portable tank is in an unsafe operating condition based on the existence of probable cause.

(c) *Schedule for periodic inspections and tests.* Each Specification portable tank must be tested and inspected in accordance with the following schedule:

(1) Each IM or UN portable tank must be given an initial inspection and test before being placed into service, a periodic inspection and test at least once every 5 years, and an intermediate periodic inspection and test at least every 2.5 years following the initial inspection and the last 5 year periodic inspection and test.

(2) Each Specification 51 portable tank must be given a periodic inspection and test at least once every five years.

(3) Each Specification 56 or 57 portable tank must be given a periodic inspection and test at least once every 2.5 years.

(4) Each Specification 60 portable tank must be given a periodic inspection and test at the end of the first 4-year period after the original test; at least once every 2 years thereafter up to a total of 12 years of service; and at least once annually thereafter. Retesting is not required on a rubber-lined tank except before each relining.

(d) *Intermediate periodic inspection and test.* For IM and UN portable tanks the intermediate 2.5 year periodic inspection and test must include at least an internal and external examination of the portable tank and its fittings taking into account the hazardous materials intended to be transported; a leakage test; and a test of the satisfactory operation of all service equipment. Sheathing, thermal insulation, etc. need only be removed to the extent required for reliable appraisal of the condition of the portable tank. For portable tanks intended for the transportation of a single hazardous material, the internal examination may be waived if it is leakage tested in accordance with the procedures in paragraph (i) of this section prior to each filling, or if approved by the Associate Administrator. Portable tanks used for dedicated transportation of refrigerated liquefied gases that are not fitted with inspection openings are excepted from the internal inspection requirement.

(e) *Periodic inspection and test.* The 5 year periodic inspection and test must include an internal and external examination and, unless excepted, a pressure test as specified in this section. Sheathing, thermal insulation, etc. need only to be removed to the extent required for reliable appraisal of the condition of the portable tank. Except for DOT Specification 56 and 57 portable tanks, reclosing pressure relief devices must be removed from the tank and tested separately unless they can be tested while installed on the portable tank. For portable tanks where the shell and equipment have been pressure-tested separately, after assembly they must be subjected together to a leakage test and effectively tested and inspected for corrosion. Portable tanks used for the transportation of refrigerated, liquefied gases are excepted from the requirement for internal inspection and the hydraulic pressure test if the portable tanks are pressure tested using an inert gas as prescribed in § 178.338–16(a) and (b) of this subchapter.

(f) *Exceptional inspection and test.* The exceptional inspection and test is necessary when a portable tank shows evidence of damaged or corroded areas, or leakage, or other conditions that indicate a deficiency that could affect the integrity of the portable tank. The extent of the exceptional inspection and test must depend on the amount of damage or deterioration of the portable tank. It must include at least the inspection and a pressure test according to paragraph (e) of this section. Pressure relief devices need not be tested or replaced unless there is reason to believe the relief devices have been affected by the damage or deterioration.

(g) *Internal and external examination.* The internal and external examinations must ensure that:

(1) The shell is inspected for pitting, corrosion, or abrasions, dents, distortions, defects in welds or any other conditions, including leakage, that might render the portable tank unsafe for transportation;

(2) The piping, valves, and gaskets are inspected for corroded areas, defects, and other conditions, including leakage, that might render the portable tank unsafe for filling, discharge or transportation;

(3) Devices for tightening manhole covers are operative and there is no leakage at manhole covers or gaskets;

(4) Missing or loose bolts or nuts on any flanged connection or blank flange are replaced or tightened;

(5) All emergency devices and valves are free from corrosion, distortion and any damage or defect that could prevent their normal operation. Remote closure devices and self-closing stop-valves must be operated to demonstrate proper operation;

(6) Required markings on the portable tank are legible and in accordance with the applicable requirements; and

(7) The framework, the supports and the arrangements for lifting the portable tank are in satisfactory condition.

(h) *Pressure test procedures for specification 51, 57, 60, IM or UN portable tanks.* (1) Each Specification 57 portable tank must be leak tested by a minimum sustained air pressure of at least 3 psig applied to the entire tank. Each Specification 51 or 56 portable tank must be tested by a minimum pressure (air or hydrostatic) of at least 2 psig or at least one and one-half times the design pressure (maximum allowable working pressure, or re-rated pressure) of the tank, whichever is greater. The leakage test for portable tanks used for refrigerated liquefied gas must be performed at 90% of MAWP. Leakage tests for all other portable tanks must be at a pressure of at least 25% of

MAWP. During each air pressure test, the entire surface of all joints under pressure must be coated with or immersed in a solution of soap and water, heavy oil, or other material suitable for the purpose of detecting leaks. The pressure must be held for a period of time sufficiently long to assure detection of leaks, but in no case less than five minutes. During the air or hydrostatic test, relief devices may be removed, but all the closure fittings must be in place and the relief device openings plugged. Lagging need not be removed from a lagged tank if it is possible to maintain the required test pressure at constant temperature with the tank disconnected from the source of pressure.

(2) Each Specification 60 portable tank must be retested by completely filling the tank with water or other liquid having a similar viscosity, the temperature of the liquid must not exceed 37.7°C (100°F) during the test, and applying a pressure of 60 psig. The portable tank must be capable of holding the prescribed pressure for at least 10 minutes without leakage, evidence of impending failure, or failure. All closures shall be in place while the test is made and the pressure shall be gauged at the top of the tank. Safety devices and/or vents shall be plugged during this test.

(3) Each Specification IM or UN portable tank, except for UN portable tanks used for non-refrigerated and refrigerated liquefied gases, and all piping, valves and accessories, except pressure relief devices, must be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 150% of its maximum allowable working pressure. UN portable tanks used for the transportation of non-refrigerated liquefied gases must be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 130% of its maximum allowable working pressure. UN portable tanks used for the transportation of refrigerated liquefied gases may be tested hydrostatically or pneumatically using an inert gas. For pneumatic testing, due regard for protection of all personnel must be taken because of the potential hazard involved in such a test. The pneumatic test pressure in the portable tank must be reached by gradually increasing the pressure to one-half of the test pressure. Thereafter, the test pressure must be increased in steps of approximately one-tenth of the test pressure until the required test pressure has been reached. The pressure must then be reduced to a value equal to four-fifths of the test pressure and held for a sufficient time to permit inspection of the portable tank for leaks. The minimum test pressure for a portable tank is determined on the basis of the hazardous materials that are intended to be transported in the portable tanks. For liquid, solid and non-refrigerated liquefied gases, the minimum test pressure for specific hazardous materials are specified in the applicable T Codes assigned to a particular hazardous material in the § 172.101 Table of this subchapter. While under pressure the tank shall be inspected for leakage, distortion, or any other condition which might render the tank unsafe for service. A portable tank fails to meet the requirements of the pressure test if, during the test, there is permanent distortion of the tank exceeding that permitted by the applicable specification; if there is any leakage; or if there are any deficiencies that would render the portable tank unsafe for transportation. Any portable tank that fails must be rejected and may not be used again for the transportation of a hazardous material unless the tank is adequately repaired, and, thereafter, a successful test is conducted in accordance with the requirements of this paragraph. An approval agency shall witness the hydrostatic or pneumatic test. Any damage or deficiency that might render the portable tank unsafe for service shall be repaired to the satisfaction of the witnessing approval agency. The repaired tank must be retested to the original pressure test requirements. Upon successful completion of the hydrostatic or pneumatic test, as applicable, the witnessing approval agency shall apply its name, identifying mark or identifying number in accordance with paragraph (k) of this section.

(i) *Rejection criteria.* When evidence of any unsafe condition is discovered, the portable tank may not be returned to service until it has been repaired and the pressure test is repeated and passed.

(j) *Repair.* The repair of a portable tank is authorized, provided such repairs are made in accordance with the requirements prescribed in the specification for the tank's original design and construction. In addition to any other provisions of the specification, no portable tank may be repaired so as to cause leakage or cracks or so as to increase the likelihood of leakage or cracks near areas of stress concentration due to cooling metal shrinkage in welding operations, sharp fillets, reversal of stresses, or otherwise. No field welding may be done except to non-pressure parts. Any cutting, burning or welding operations on the shell of an IM or UN portable tank must be done with the approval of the approval agency and be done in accordance with the requirements of this subchapter, taking into account the pressure vessel code used for the construction of the shell. A pressure test to the original test pressure must be performed after the work is completed.

(k) *Inspection and test markings.* Each IM or UN portable tank must be durably and legibly marked, in English, with the date (month and year) of the last pressure test, the identification markings of the approval agency witnessing the test, when required, and the date of the last visual inspection. The marking must be placed on or near the metal identification plate, in letters not less than 3 mm (0.118 inches) high when on the metal identification plate, and 12 mm (0.5 inches) high when on the portable tank.

(l) *Record retention.* The owner of each portable tank or his authorized agent shall retain a written record of the date and results of all required inspections and tests, including an ASME manufacturer's date report, if applicable, and the name and address of the person performing the inspection or test, in accordance with the applicable specification. The manufacturer's data report, including a certificate(s) signed by the manufacturer, and the authorized design approval agency, as applicable, indicating compliance with the applicable specification of the portable tank, must be retained in the files of the owner, or his authorized agent, during the time that such portable tank is used for such service, except for Specifications 56 and 57 portable tanks.

Issued in Washington, DC, on May 25, 2001, under authority delegated in 49 CFR part 1.

Edward A. Brigham,

Acting Deputy Administrator.

[FR Doc. 01–13836 Filed 6–14–01; 9:34 am]

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Federal Register

Thursday,
June 21, 2001

Part III

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Small Business Innovation Research Grants Programs for Fiscal Year 2002; Request for Proposals and Request for Input; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Small Business Innovation Research Grants Program for Fiscal Year 2002; Request for Proposals and Request for Input

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of Availability of Program Solicitation and Request for Proposals for Fiscal Year (FY) 2002 Small Business Innovation Research Grants Program and Request for Input.

SUMMARY: Notice is hereby given that under the authority of the Small Business Innovation Development Act of 1982 (Pub. L. 97–219), as amended (15 U.S.C. 638) and section 630 of the Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1987, and for other purposes, as made applicable by section 101(a) of Public Law Number 99–591, 100 Stat. 3341, the U.S. Department of Agriculture (USDA) expects to award project grants for certain areas of research to science-based small business firms through phase I of its Small Business Innovation Research (SBIR) Grants Program.

By this notice, the Cooperative State Research, Education, and Extension Service (CSREES) additionally solicits stakeholder input from any interested party regarding the FY 2002 SBIR Grants Program, Request for Proposals, for use in the development of the next request for proposals for this program.

DATES: All phase I proposals must be received at USDA on or before August 30, 2001. Proposals not received on or before this date will not be considered for funding.

ADDRESSES: The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Small Business Innovation Research Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, S.W.; Washington, D.C. 20024. Telephone: (202) 401–5048.

Proposals sent via the U.S. Postal Service must be sent to the following address: Small Business Innovation Research Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2245.

Written stakeholder input comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Stop 2299; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. (This e-mail address is intended only for receiving stakeholder input comments regarding the request for proposals (RFP), and not for requesting information or forms.) In your comments, state that you are responding to the FY 2002 SBIR RFP.

FOR FURTHER INFORMATION CONTACT: Dr. Charles F. Cleland; Director, SBIR Program; Cooperative State Research, Education, and Extension Service; STOP 2243; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2243. Telephone: (202) 401–4002. Facsimile: (202) 401–6070.

SUPPLEMENTARY INFORMATION: This program will be administered by the Cooperative State Research, Education, and Extension Service. Firms with strong scientific research capabilities in the topic areas listed below are encouraged to participate. Objectives of the three-phase program include stimulating technological innovation in the private sector, strengthening the role of small businesses in meeting Federal research and development needs, increasing private sector commercialization of innovations derived from USDA-supported research and development efforts, and fostering and encouraging participation of women-owned and socially and economically disadvantaged small business concerns in technological innovation.

The total amount expected to be available for phase I of the SBIR Program in FY 2002 is approximately $6,000,000. The solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications by the closing date of August 30, 2001. The research to be supported is in the following topic areas:

1. Forests and Related Resources
2. Plant Production and Protection
3. Animal Production and Protection
4. Air, Water and Soils
5. Food Science and Nutrition
6. Rural and Community Development
7. Aquaculture
8. Industrial Applications
9. Marketing and Trade

The award of any grants under the provisions of this program is subject to the availability of appropriations.

This program is subject to the provisions found at 7 CFR part 3403. These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects. In addition, USDA Uniform Federal Assistance Regulations (7 CFR part 3015, as amended), Governmentwide Debarment and Suspension (Non-procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (7 CFR part 3017), Restrictions on Lobbying (7 CFR part 3018), and Managing Federal Credit Programs (7 CFR part 3) apply to this program. Copies of 7 CFR parts 3403, 3015, 3017, 3018, and 3 may be obtained via the web at http://www.access.gpo.gov/nara/cfr/index.html or by writing or calling the office indicated below.

The program solicitation, which contains research topic descriptions and detailed instructions on how to apply, is available on the CSREES website at www.reeusda.gov/sbir. If you do not have access to the CSREES web page or have trouble downloading material, you may obtain the program solicitation by writing or calling the following office: Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2245. Telephone: (202) 401–5048. Application materials also may be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov which states that you wish to receive a copy of the application materials for the FY 2002 Small Business Innovation Research Grants Program. The materials will then be mailed to you (not e-mailed) as quickly as possible. Please note that applicants who submitted SBIR proposals for FY 2001 or who have recently requested placement on the list for FY 2002 will automatically receive a postcard notification announcing the availability of program solicitation and request for proposals for fiscal year 2002.

Stakeholder Input

CSREES is soliciting comments regarding this solicitation of applications from any interested party. These comments will be considered in the development of the next request for proposals for the program. Such

comments will be forwarded to the Secretary or her designee for use in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (Pub. L. 105–185). Written comments should be submitted as provided in the **ADDRESSES** portion of this notice.

In your comments, please state that you are responding to the FY 2002 Small Business Innovation Research Grants Program. Comments are requested within six months from the issuance of the solicitation of applications. Comments received after that date will be considered to the extent practicable.

Done at Washington, D.C., this 18th day of June, 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–15722 Filed 6–20–01; 8:45 am]

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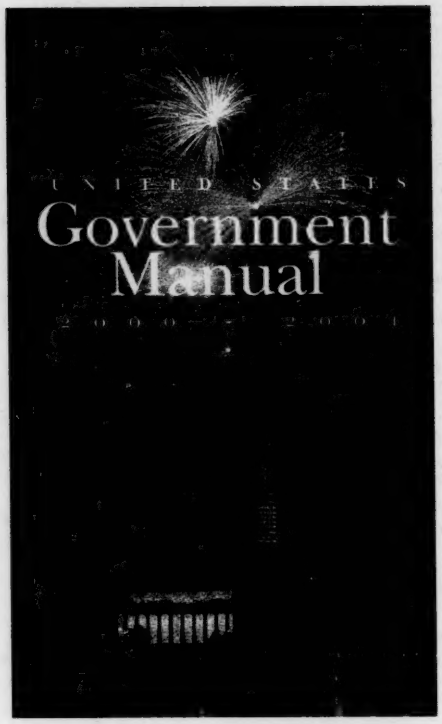

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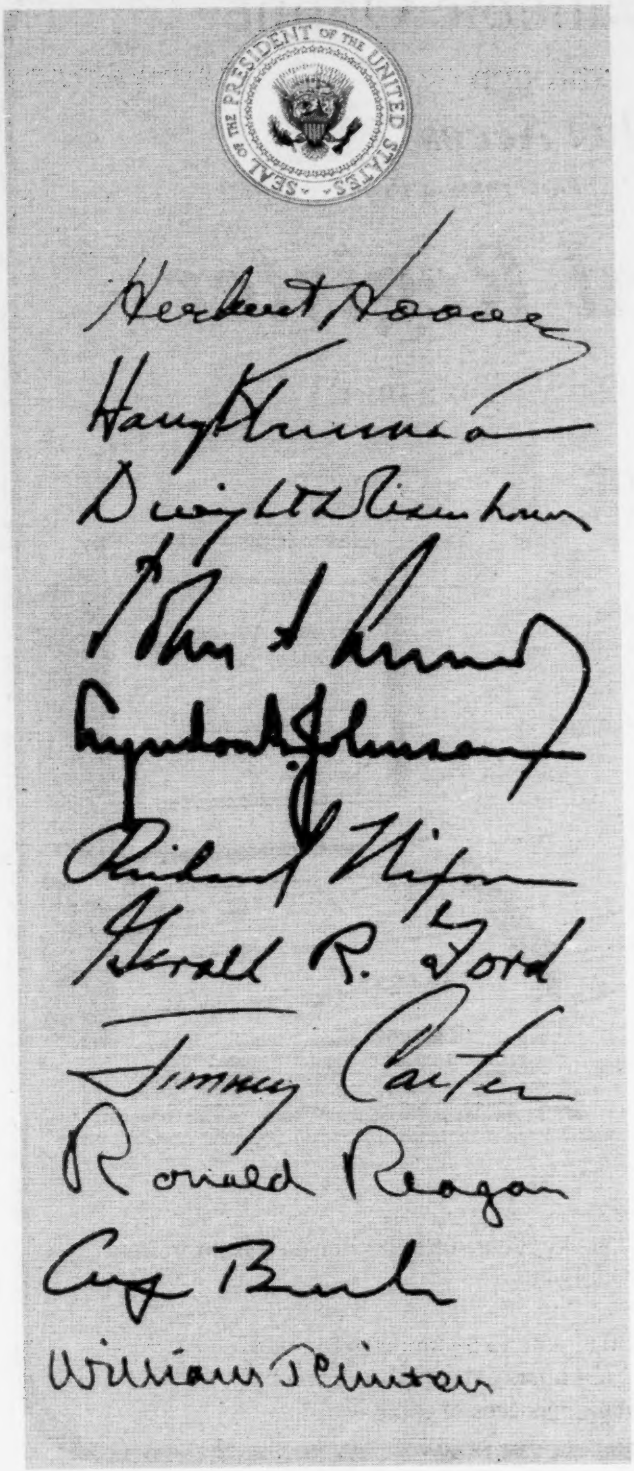

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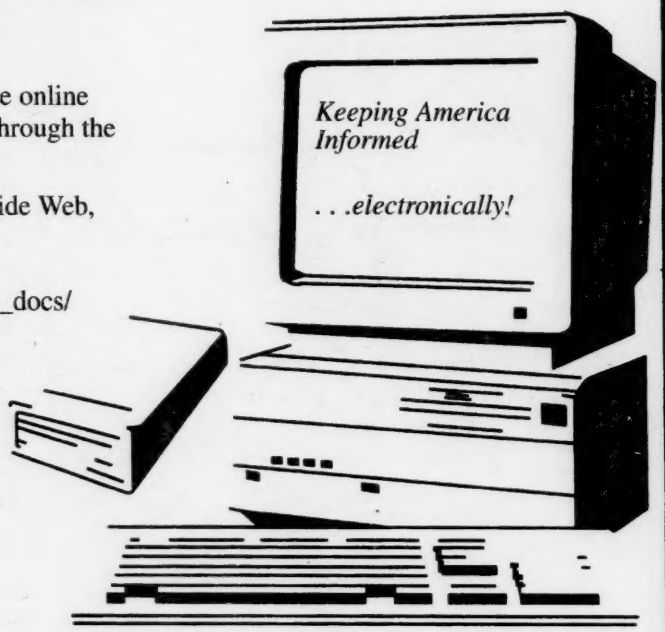

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